

STAFFORD COUNTY PLANNING COMMISSION MINUTES

March 16, 2011

The meeting of the Stafford County Planning Commission of Wednesday, March 16, 2011, was called to order at 6:32 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Baker, Zuraf, Bullington, Johnson and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification from anyone pertaining to any items on the agenda this evening? Hearing none, we'll now move to the agenda. And before there's a motion made to adopt the agenda as written, we do have an item on here that was the last item from the last meeting we did not get to. Mr. Harvey... you're on the wrong side of the room...

UNFINISHED BUSINESS

Mr. Harvey: Yes sir.

Mr. Howard: What was that item that we wanted to move?

Mr. Harvey: The item that was discussed at the last meeting was Floor Area Ratio.

Mr. Howard: Okay.

Mr. Harvey: Which is item 4 on your agenda today.

Mr. Howard: So, I think we indicated we would move that to item 1 last meeting; we just didn't do that. So, is there a motion to modify... move 4 to 1 and then adopt the agenda as written?

Mr. Mitchell: Mr. Chairman, I make a motion to move item number 4 to item number 1 and discuss it first.

Mr. Howard: And then adopt the agenda.

Mr. Mitchell: Right.

Mr. Howard: Is there a second?

Mr. Hiron: Second.

Mr. Howard: Any discussion? Hearing none I'll call for the vote. All those in favor of adopting tonight's agenda signify by saying aye.

Planning Commission Minutes
March 16, 2011

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Ms. Kirkman: I'm going to abstain.

Mr. Howard: Okay. The motion carries 6-0-1 abstention. Ms. Kirkman just came into the room. Okay, so now we're on item number 1, the new item number 1, which is Floor Area Ratio in the Commercial and Industrial Zoning Districts. And Mr. Harvey, we'll hear from staff?

4. Floor Area Ratios (FAR) in the Commercial and Industrial Zoning Districts (**Time Limit: May 3, 2011**)

Mr. Harvey: Yes sir. Mrs. Hornung will give an update on the question at hand.

Mrs. Hornung: Good evening Mr. Chair, members of the Commission. In your packets you should have received a chart for Floor Area Ratio comparison that uses the current FAR and the proposed FAR to give you an idea what the build-out will be under the existing zoning and as well as the information from the Comprehensive Plan for land use. And so this chart is available for you to discuss; and any questions if I can answer them.

Mr. Fields: Mr. Chairman?

Mr. Howard: Yes Mr. Fields.

Mr. Fields: We're waiting the numbers from Spotsylvania and Prince William? We haven't gotten those yet.

Mrs. Hornung: Well, I have some that I had the last time but I was focusing on Stafford County's for this particular exercise.

Mr. Fields: Okay.

Mrs. Hornung: If you would like me to do the same exercise for Spotsylvania and Prince William, I will do that as well.

Mr. Fields: I think we were trying to get a sense... my recollection is we were trying to get a sense of what, since they've both changed to a... it seemed, at least from my recollection right, they've changed to a much more dense Floor Area Ratio for a lot of their commercial areas. But we were trying to get a sense of what that is percentage wise relative to the relative size of their counties and how much land is

Planning Commission Minutes
March 16, 2011

actually zoned that way; in other words, if it's more dense but still the total is different. I guess we're trying to get apples and apples here. I thought we asked that but maybe I'm wrong.

Ms. Kirkman: Mr. Chair, actually I was the first person to raise this. I raised it two meetings ago and then we had an extensive discussion about it at the last meeting, including discussions about how to do the math to get the numbers we were looking for. And specifically what we were looking for, again, now for the third time, is to understand what percentage of the land area for the comparable counties are devoted to these various commercial uses.

Mr. Howard: That's my recollection as well, Mr. Fields and Ms. Kirkman. Mrs. Hornung, do you have anything prepared that shows the three counties that we're talking about? Obviously, there was Spotsylvania, there was Stafford County, and I thought the third was Prince William but I could be wrong.

Mrs. Hornung: I have what was submitted previously.

Mr. Howard: Well, what we had asked for at the last meeting was a table, in a similar format that you have, but comparing the three counties. And there was a separate, a few separate questions that Mr. Fields just asked two of them in terms of what does that density look like for them today and what was the impact after they adopted this.

Ms. Kirkman: And, Mr. Chair, I think specifically my inquiry all along has been based on the premise you can build up or you can build out. If you're going to build up, you need greater density. If you're going to build out, you're going to need lesser density. If you're going to build up, you generally have smaller land area. If you're going to build out, you generally have greater land area devoted to a land use. Which is why we're trying to get at what are the proportions of these counties that are devoted to these various uses because if they have... it was brought to our attention that the reason for this supposed rationale for this ordinance was to make us competitive with our sister counties. That rationale does not hold water if, in fact, the reason why they have higher densities is they have lesser land area devoted, so they're going for the dense compact rather than the sprawl.

Mr. Howard: Right.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes Mr. Rhodes.

Mr. Rhodes: Given that long and extensive commentaries that tend to go on and about and roundabout tend to confuse some of the question and I think cause a lot of the misunderstandings many times here, regardless of how specific we think we may have asked the questions. What probably would be best would be just to clearly and specifically ask just what it is that we'd like to get and we might be able to get that if it's not mixed in with a lot of other things that tend to (inaudible).

Mr. Howard: Well, I think obviously there's confusion; I don't think it's intentional on either side. But I appreciate the comment. So, Mrs. Hornung, is it clear or would you like some additional smaller bullet pointed questions?

Planning Commission Minutes
March 16, 2011

Mrs. Hornung: Well let me ask you... this chart that you received for Stafford, does this... does this meet your expectations of your questions for Stafford County? If that is, then I can just do the same thing for the other two counties.

Mr. Howard: Well, I think they're still missing information, but I'll let Ms. Kirkman and Mr. Fields answer since they were the original question.

Ms. Kirkman: Yes. Mrs. Hornung, again, in order to get at a proportion, you need a numerator and you need a denominator. In this instance, the denominator is the total county area, by acres. And the numerator is the number of acres devoted to these various types of commercial uses. Is that clear?

Mrs. Hornung: Yes.

Mr. Rhodes: That's how you do math.

Ms. Kirkman: And we still haven't gotten that.

Mr. Rhodes: You didn't ask specifically for anything.

Mr. Howard: Okay Mr. Rhodes; hold on.

Ms. Kirkman: As we discussed at the last meeting, there was only one number missing from the chart you passed out at the last meeting to do the math that we were requesting, which is the total acreage for each county.

Mr. Howard: And then the number of acres...

Ms. Kirkman: She gave us that last time.

Mr. Howard: Okay. And we have it in this chart as well, the number of acres by current zoning districts.

Mrs. Hornung: So, you just want another column basically from this current and proposed build-out that you have an acreage in a percentage compared to the total county square miles in the right form, acreage.

Mr. Howard: Yes.

Mr. Fields: Right.

Mrs. Hornung: Okay.

Mr. Howard: Yeah, by acres is fine. Mr. Fields... go ahead Mrs. Hornung.

Mrs. Hornung: I'm sorry; and you want that for all localities.

Mr. Howard: Just the three.

Planning Commission Minutes
March 16, 2011

Mrs. Hornung: Right, three.

Mr. Howard: Because remember that the driving force behind this was to make us more competitive from a business perspective. And we don't know if that's true or not true and that's what we're really trying to vet here, so that's really why these questions keep coming back.

Mrs. Hornung: Okay. I could disappear for a little bit and go make some calculations; at least get you the ones for Stafford because I have all of this except for the percentage compared to the total county...

Mr. Howard: Yeah, I think that works but I do think, because the logic is whether we're competitive with Spotsylvania and also Prince William, we certainly want to know that and how we stack up against that. So, if you could do that tonight, that would be great for Stafford, but then I think we would probably ask you to come back to the next meeting with that additional information.

Mrs. Hornung: Okay.

Mr. Howard: Okay?

Mrs. Hornung: Sure.

Mr. Howard: Mr. Fields, did we get everything?

Mr. Fields: I think so, yeah. I just... I don't mean to stray off point... I think what's important here, just looking at these numbers as they sit, they come up with some fairly large numbers. And my concern, before I could say it's a good idea or a bad idea, to increase floor area ratio has to do with increasing... if you increase the inventory too large of an available land use type it then becomes very difficult, next to impossible, to focus where it occurs. That's been the problem with sprawl all along. If you have, you know, millions of square feet of where things can occur then the next project can occur anywhere in there and you've lost the ability to help focus and guide that. And so, I hope that understands why I'm being so specific about this request. Until I can see how we stack up to Prince William and Spotsylvania, I don't feel like I can make an informed decision.

Mr. Howard: Okay, thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: If I might ask, I had a note here last time, just to see if it's still a requirement, that Mr. Fields had asked for when the Spotsy FAR was established as it currently stands. Are you still interested in that information as well?

Mr. Fields: Yes sir, thank you for reminding me.

Mr. Rhodes: Okay. Thank you Mr. Chairman.

Mrs. Hornung: I just have one more question.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Go ahead Mrs. Hornung.

Mrs. Hornung: This chart that you have, while it's still missing a column, is this what you're looking for? Because if it is, then I will just follow the same format for each locality.

Mr. Howard: Yeah, from my perspective I think it provides very good information in terms that we see the zoning districts, we see the acres of the zoning districts, we can see the current build-out and the proposed build-out, and, you know, we can obviously calculate the delta between the two.

Mrs. Hornung: And the organization of it... is it easy to follow for what you're looking for?

Mr. Howard: I think it is; I'll ask the other Commissioners if there's anything else they...

Ms. Kirkman: Mr...

Mr. Fields: I do want to ask a question... oh, I'm sorry, go ahead.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Mr. Chair, this chart is very helpful; however, it does not, in and of itself, answer the proportion question.

Mrs. Hornung: Right; I understand. I know I'm missing one more column but aside from that, what we have here... because I'm going to do the same thing for the other two localities and I don't want to do the same thing and then it end up being wrong and not realize that there's something missing here besides that one column we discussed already.

Ms. Kirkman: And then the other thing I would invite you since there seems to be, you know, some discussion back and forth, is that if you have any questions about what you're preparing, if it's what the Commission is looking for, that if you emailed out a draft that we could review prior to packet preparation that happens just several days before the meeting, then there could be time to make any adjustments before (inaudible).

Mrs. Hornung: Yeah, I was reviewing minutes, reading what... to try to make sure I got it right.

Mr. Howard: Okay. But that's a good suggestion actually, if you want to do that to the Commission we could respond. If you don't get any responses I think you can assume that as presented it's good to go.

Mrs. Hornung: Absolutely.

Ms. Kirkman: And I did, Mr. Chair, I had some questions about the numbers on this chart so I didn't want us to leave the discussion (inaudible).

Mr. Howard: Okay, sure.

Mr. Fields: Mr. Chair, if I might add one thing in terms of (inaudible).

Planning Commission Minutes
March 16, 2011

Mr. Howard: No Mr. Fields.

Mr. Fields: I do want to say that there is... I'm sure there is a slight, you know, no two counties have exactly the same categories so... I mean, I'm only concerned if we have... it doesn't have to be minutely by category and more by broad category because I know that different counties won't have exactly the same distinctions and subdivisions as zoning categories...

Mrs. Hornung: Right, like in the previous charts you received they had, we had the commercial grouping first, the office next, the industrial next and then the mixed use last.

Mr. Fields: Mixed use. As long as we have, I think for me those broad categories certainly get to the point. I don't know how Ms. Kirkman feels about that because I think you would run into trouble trying to go apples to apples.

Mrs. Hornung: You can't.

Mr. Fields: You can't.

Mr. Howard: Right, they have different definitions.

Mr. Fields: Right.

Mr. Howard: Any other comments for Mrs. Hornung while we're on this item? Ms. Kirkman, did you have...?

Ms. Kirkman: Is now the time to talk about the (inaudible) that we have?

Mr. Howard: Yes, absolutely.

Ms. Kirkman: So, could we go over to the Comprehensive Land Use column?

Mrs. Hornung: Yes ma'am.

Ms. Kirkman: Let's start with commercial industrial; how did you come up with a maximum FAR of .35?

Mrs. Hornung: Because they were both .35 in the Comp Plan. I took this information from the Comp Plan. The commercial and industrial were the same. They each had .35 in the Comp Plan. I guess, then, in the end probably...

Ms. Kirkman: Well, if in our commercial... so in our commercial and industrial, the maximum FAR is .35.

Mrs. Hornung: Correct.

Ms. Kirkman: But in our suburban which includes residential, the FAR is .40?

Planning Commission Minutes
March 16, 2011

Mrs. Hornung: Yes ma'am.

Ms. Kirkman: So, the FAR is higher in suburban than it is in the commercial.

Mrs. Hornung: Yes.

Ms. Kirkman: So, if neither of these goes above .40, where is the category of B-1 which is a FAR of .5 and PD-2 which is a FAR of .5 and recreational business campus which is .5:1, where is that going to go?

Mr. Harvey: Ms. Kirkman...

Mr. Rhodes: Right on this chart.

Mr. Harvey: We have two different things on the chart. We have the Comprehensive Plan recommendations and we have the Zoning Ordinance requirements. They don't necessarily match.

Mr. Howard: Match. Yeah, they don't line up yet.

Ms. Kirkman: But where would... if we don't have any designation in our Comprehensive Plan for these Floor Area Ratios and we're looking at increasing them to .7, .6, .45, where are those going to go in our Comprehensive Plan since it appears that we don't have anything in our Comprehensive Plan that is above .40?

Mr. Harvey: You make a good point. We probably need to take a look at the text of the Comprehensive Plan and align the text with any change that we're going to do to the ordinance.

Ms. Kirkman: I thought we just revised the Comprehensive Plan?

Mr. Howard: Well, I think once the Plan was adopted, we do have to go back and I'm sure that's part of the timeline that we'll hear tonight and review the ordinances.

Ms. Kirkman: But why don't we... if we just passed the Comprehensive Plan, why would we then amend it to accommodate a change? Why aren't we making the changes in the Zoning Ordinance consistent with the Comprehensive Plan that was just adopted?

Mr. Howard: That's a different question, and that is a good question.

Mr. Harvey: Mr. Chairman?

Mr. Howard: Yes Mr. Harvey.

Mr. Harvey: I guess one of the issues we have is we're trying to discuss the Comprehensive Plan versus our Zoning Ordinance. And right now we have the Urban Development Areas which is sort of a new animal which has a higher floor area and a different way to look at floor area than our zoning districts. Right now the Urban Development Area has a minimum threshold whereas the zoning districts have a maximum threshold. So you conceivably could have urban commercial inside an Urban Development Area where you would have the need to increase the FAR because the maximum

Planning Commission Minutes
March 16, 2011

in the B-2 urban commercial district is the minimum allowed in the Urban Development Area as far as floor area. So, there is some need to... it is partly addressed in the Comprehensive Plan as in Urban Development Areas you have to have a minimum FAR of .4 for any non-residential activity there. So, the zoning category, I'm not sure... maybe we can, maybe we can't, adjust the zoning category to reflect if you're in an Urban Development Area versus a suburban area in the Comprehensive Plan. My guess is you probably can't, but you could set ranges and parameters with a minimum and a maximum.

Mr. Howard: Yeah, range is probably preferable. So, just out of curiosity then, if you looked at suburban commercial, under the column that says current FAR, it's .35; the proposed FAR is .45. And this I think is what Ms. Kirkman is asking as well. Where did the .45 recommendation come from? What's driving that?

Mrs. Hornung: The proposed FARs were... staff looked at the Prince William and the Spotsylvania County FARs for their districts that were comparable to this... to these commercial districts office, industrial, and looked at what their rates were or their amounts were and then just made an assumption of increasing the FAR or actually making it less restrictive in a relation closer to those that were designated by Spotsylvania and Prince William.

Mr. Howard: Right, which originally was driving this whole process in terms of are we competitive enough.

Mrs. Hornung: That's correct.

Mr. Howard: Okay, so these are basically staff recommendations based on evaluating two other counties.

Mrs. Hornung: Yes sir.

Mr. Howard: Do either of those other counties... are they required to adopt the UDA legislation?

Mrs. Hornung: Spotsylvania is looking at it, I think Prince William is. I haven't been following Prince William as closely as Spotsylvania, but Spotsylvania is definitely looking at it and they've designated some areas already as possible UDA areas. But nothing's been formally approved; they're in the same research process as Stafford is.

Mr. Howard: Okay. So, Ms. Kirkman, this was early on when Mrs. Hornung first presented this and I think there was another chart, it was a longer legal size excel spreadsheet where they had come in with their recommendations. That's that column is what staff is recommending. Then Ms. Kirkman asked the question why wouldn't we default automatically to the Comp Plan? What's in the Comp Plan in terms of the FAR? And then I think Mr. Harvey brought up a good point; perhaps there should be ranges in there versus a specific number. And I guess that's what we'll find out when we see the analysis.

Mrs. Hornung: That is correct. In the beginning when the proposed FARs were being developed, they weren't compared to the Comprehensive Plan until the questions came up that you wanted to see the FARs in the Comprehensive Plan for land use as compared to the existing zoning.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Right.

Ms. Kirkman: We have a P-TND Ordinance that includes a commercial component which I believe meets the minimum Floor Area Ratios for UDAs; is that correct?

Mr. Harvey: It very well can, Ms. Kirkman. It does not, if I recall, have a Floor Area Ratio specified, so there's no minimum or maximum.

Ms. Kirkman: Right; it's done by transect zones.

Mr. Howard: Right.

Ms. Kirkman: So, you could use the P-TND Ordinance to meet the requirements of the UDA?

Mr. Harvey: For that aspect, yes.

Ms. Kirkman: So, we do not need to change the Floor Area Ratios in order to make it possible to development within the UDAs and meet the commercial requirements.

Mr. Harvey: That is correct. The County would not need to necessarily change these districts for the Urban Development Area; that's sort of a policy question, if we want to or not.

Ms. Kirkman: And then if, for instance, there's land that's already zoned let's say M-1 or M-2, light or heavy industrial, that happens to fall within a designated UDA, then it would have to go through a rezoning to meet the commercial requirements under the current Floor Area Ratio. But if we up it to .5 and 1.0 then they would not have to go through rezoning and the County would not get the opportunity to collect proffers in order to meet the Floor Area Ratios of the UDAs.

Mr. Howard: If they wanted a floor ratio greater of .35, is that...?

Ms. Kirkman: But you have to have a minimum of .4 (inaudible).

Mr. Howard: .40 in the Comp Plan, right.

Mr. Harvey: Yes, Ms. Kirkman, there are differences between what somebody would do in that scenario. What you described, if I understand it correctly, they're either zoned M-1 or M-2 and want to develop their land under the M-1 and M-2 zoning, they could still continue to develop under the regulations that exist today regardless of what our Comprehensive Plan says.

Ms. Kirkman: Even though they're within a UDA?

Mr. Harvey: Correct. The State Code and our Comprehensive Plan... our State Code says we have to plan for those types of densities, it doesn't say it's actually going to occur. But as we plan for it we hope that people will want to redevelop their properties to make that happen.

Ms. Kirkman: So, just in theory, just to make sure I understand this to take it to the logical but extreme conclusion, a locality could designate an area as a UDA but not have any Zoning Ordinance to make it possible to develop with those densities.

Planning Commission Minutes
March 16, 2011

Mr. Harvey: We would have to have at least one district that could allow someone to develop by-right pursuant to those requirements. Whether someone ever rezones to that district and develops under those standards, that's a question that may or may not occur.

Ms. Kirkman: And we have that one district now, which is the P-TND district.

Mr. Harvey: It qualifies except for the multi-family dwellings...

Ms. Kirkman: Because that needs to be increased?

Mr. Harvey: Correct.

Mr. Howard: All good questions and, again, this goes back to the Resolution, I think it was R11-54 that the Board sent to us and indicated they had a desire to I guess re-enact or re-adopt an FAR Ordinance.

Mr. Harvey: Correct Mr. Chairman. And the Board gave the Commission latitude to adjust the FAR in the proposed Ordinance.

Ms. Kirkman: And then I had an additional question. How did you come up with the build-out numbers under the comprehensive land use? So, it appears to me that you took what was stated as a policy in the Comprehensive Plan rather than the maximum potential based on the highest possible build-out; is that correct?

Mrs. Hornung: Say it again?

Ms. Kirkman: It looks like to me, if I understand what you've done with this chart, that what you've done is taken the numbers that were stated as the goals in the Comprehensive Plan rather than the maximum potential build-out based on the highest possible use; is that correct?

Mrs. Hornung: I think so.

Mr. Harvey: Yes...

Mrs. Hornung: I was looking at Chapter 3.

Mr. Harvey: Yes, that's multiplying the Floor Area Ratio identified in the Comprehensive Plan by the acreage; we got that build-out number.

Ms. Kirkman: So...

Mr. Harvey: There is a possibility under existing zoning that you could exceed that number.

Ms. Kirkman: And in the same way, for the UDAs, you've taken the numbers that were stated as the goals for the commercial square footage rather than the maximum build-out?

Planning Commission Minutes
March 16, 2011

Mr. Harvey: Correct; that's the numbers that are in the plan document. So, again, we have two different things we're looking at. We're looking at the Comprehensive Plan which is the future vision versus the zoning and what it potentially could allow today.

Ms. Kirkman: Could... because I seem to remember somewhere that when we were doing some of the build-out exercises for the Comprehensive Plan that there was actually the potential for over three million square feet of commercial, under the Comprehensive Plan? If we did the maximum highest potential build-out under the current FARs. Can we dig up that number?

Mr. Harvey: Yes, we can look back into that number.

Ms. Kirkman: I'm sure Mr. Zuraf knows right where it is. Small pile, right?

Mr. Howard: Okay, any other questions for Mrs. Hornung on the Floor Area Ratios in commercial and industrial zoning districts?

Ms. Kirkman: Not from Mr... Mrs. Hornung but for Mr. Harvey?

Mr. Howard: Well, let's see if there's any other for Mrs. Hornung. No? Alright. Go ahead Ms. Kirkman.

Ms. Kirkman: What's our timeline on this Mr. Harvey?

Mr. Howard: May 3rd.

Mr. Harvey: The reported date is May 3rd. The first available... I guess your first May meeting would be May 4th which would be technically the day after the time limit. Your first public hearing date before that is April 20th.

Mr. Howard: Which we'd have to...

Mr. Harvey: We would need to authorize a hearing tonight if we were to going to meet April 20th. I'm not sure how the legal folks look at it if you have already advertised your public hearing and conduct it the day after the deadline.

Ms. Kirkman: We haven't met it.

Mr. Howard: So, we need to go back and ask for an extension I think at this point.

Ms. Kirkman: Except for, Mr. Chair, at this point, we're in a bind if we don't ask for that extension, it sounds like there's no possible way to meet the deadline which means that the assumption is the Planning Commission, by failing to meet the deadline, has consented to what the Board sent (inaudible).

Mr. Howard: Yes, to the draft... exactly right.

Ms. Kirkman: And I think there's been plenty of questions raised that we wouldn't want that to happen.

Planning Commission Minutes
March 16, 2011

Mr. Rhodes: Are we debating going back for an extension?

Mr. Howard: Yeah, I think that's what the question is. What's the will of the Commission, the rest of the Commissioners? I mean, I personally think we need a little more information to understand the delta between the different FARs and is this a competitive issue or not. I do want everyone to realize also that I think the Resolution specifically stated commercial and industrial units; is that right Mr. Harvey? I know there's a lot of other information in here.

Mr. Harvey: I believe so Mr. Chairman. That's why we have commercial and industrial on the chart.

Mr. Howard: Right.

Mr. Fields: Well, I certainly need more time. I'm not prepared to make an intelligent decision on this without all the other information that we're asking for.

Mr. Howard: The danger is, to Ms. Kirkman's point, the Board says well, okay, that's nice but we say no and the Resolution is adopted as... or at least they send it to public hearing as it was written. Well, we can also wait until Mrs. Hornung comes back with the Stafford chart if we want to do that.

Ms. Kirkman: But Mr. Chair, the Stafford chart, that's really not going to help us because it's really the comparison that's what is...

Mr. Howard: I agree the comparison is important but, you know, once we see the Stafford chart, the Commission can debate whether it's important enough to not have a public hearing. At least with scheduling a public hearing, and if we do want to make some changes, I think because the hearing is... well, the meeting of the 4th would be within a day, it's the closest meeting to the 3rd that I would hope we would legally be able to make changes. That's the quandary.

Ms. Kirkman: That's not the way the law is written.

Mr. Howard: Well... Mr. Smith, do you have an opinion on that?

Mr. Smith: Well, Mr. Chairman, Ms. Kirkman, you're correct in your reading of the statute. I would add though I don't think there would be anything that would preclude the Board from considering the Planning Commission's recommendations if they held the hearing and made recommendations different from what the Board has sent down for the Planning Commission to consider. I don't think the Board would be prohibited from at least considering those recommendations if they were provided a day late.

Ms. Kirkman: But Mr. Smith, under the law, they could also decide we missed our chance.

Mr. Howard: Absolutely.

Mr. Smith: Ms. Kirkman, you are correct.

Planning Commission Minutes
March 16, 2011

Mr. Howard: That's what he was saying. But the only... so the only option is to, in my opinion, is then schedule a public hearing because if we don't we're not going to be able to get our input in there. We can do both; we can schedule it and also ask for more time.

Ms. Kirkman: And request... that's correct. And if we schedule it, honestly I really think we should... we're under no obligation to schedule it at the proposed Floor Area Ratios and I think we should be very conservative about what we move forward, because we just don't understand the consequences at this point.

Mr. Howard: Again, it's in the Commission's discussion here, sort of our work session here, so does anyone want to make a motion and... I mean, I'm not sure how you would logically come up with a different proposed FAR without seeing the other counties.

Ms. Kirkman: Right.

Mr. Howard: So, is there an appetite to anyone to make a motion and, if so, what is it and do you want to include... or should there be a separate motion probably requesting more time and then a motion independent also authorizing a public hearing? So we need two motions. There are some people reviewing the Ordinance.

Mr. Fields: The Resolution, right, asks us to hold a public hearing but it doesn't give any numbers. It's up to us to provide the numbers, the FAR numbers for the public hearing. So, at least in the text... and then we have attachments that sort of give some ideas but I don't believe...

Mr. Howard: Well, I think we could advertise...

Mr. Fields: Here's this amended Ordinance; is that what we're supposed to be advertising?

Mr. Howard: I think we could advertise the Board's Resolution to us, yes.

Ms. Kirkman: I'm not comfortable advertising the Board's Resolution because at that point it takes on a life of its own without the consideration of the consequences for it. But I do think my colleague from George Washington raises a good point which is I think we need a legal read on the Resolution in terms of whether or not the Resolution includes the numbers. Because if the Resolution does not include the numbers, then the Board doesn't have anything that they can act on.

Mr. Smith: Mr. Chairman, I don't have a copy of the Resolution in front of me. If I can borrow a copy, I will take a look at it.

Mr. Howard: Okay.

Mr. Fields: Well, it references... I'm looking at the last paragraph... it does say therefore be resolved that the amendment to the Zoning Ordinance by proposed Ordinance O11-10 be and hereby is referred to the Planning Commission for public hearing and recommendation. So does that mean then that by default the numbers given in this version of 10-11 then become what's adopted if we would not act?

Mr. Howard: While Mr. Smith is researching that, Mrs. Hornung? Did you use any of the Board's numbers in those tables and examples that they showed us?

Planning Commission Minutes
March 16, 2011

Mrs. Hornung: Staff didn't have any numbers.

Mr. Howard: No, I understand, but they included some examples and attachments in their Resolution.

Mr. Fields: We have this attachment 4, page 1 of 3, O11-10, that's an Ordinance (inaudible).

Mr. Howard: Right. In the original Resolution... did you use any of those numbers in these proposed FARs? If you're not sure, that's fine. I'm just curious.

Mrs. Hornung: No, I'm not sure. The information that went to the Board for sending it... for consent agenda sending it to the Planning Commission are the same attachments that were provided in the first meeting that you had.

Mr. Howard: No, I understand. And the Board was unanimous, it was a 7-0 vote as I recall, so they were all signing off on this. But the question is, did you use the numbers that they used as either illustration or attachment in their Resolution when you came up with your proposed FAR numbers?

Mrs. Hornung: No, I didn't have any numbers.

Mr. Fields: So the Board did not actually... these numbers that appear in our attachment that's O11-12 with strikeouts and new numbers, those new numbers are simply provided by staff as a departure point for discussion?

Mrs. Hornung: Yes sir.

Mr. Fields: Because these were not part of the Board's... when the Board referenced O11-11 in its Resolution... O11-10 in its Resolution, it was not referencing a document that had revised numbers.

Mrs. Hornung: It was the Ordinance that you have.

Mr. Fields: Right.

Mrs. Hornung: It was the same documents, because when we...

Mr. Fields: So, it was the Ordinance with the original FAR numbers on it.

Mrs. Hornung: With the original FAR and then the strikeout of the proposed.

Ms. Kirkman: It did have the strikeouts with the (inaudible).

Mrs. Hornung: Yes.

Mr. Harvey: Correct, yes.

Mrs. Hornung: The documents that the Board had for a Resolution and proposed Ordinance are the same items that you had in your first packet; everything was duplicated.

Planning Commission Minutes
March 16, 2011

Mr. Fields: So they did advertise these numbers then. I mean, they did reference specific numbers when they referenced this document in their Resolution.

Mrs. Hornung: They referenced the proposed Ordinance, right.

Mr. Fields: Right, with strikeouts and new numbers and underlined...

Mrs. Hornung: Right, which is what staff gave as a recommendation to have something to go by.

Mr. Fields: But, what I'm saying is it seems like they could assume a life of their own if by some technical reason we're not able to act on those in a timely fashion, then the Board could deem it approved and take on these numbers then as its starting point.

Mrs. Hornung: That is correct, what you're saying; yes sir.

Mr. Fields: Well, we really are behind... in this tough spot here, aren't we?

Mr. Howard: Alright, so again, bringing it back to the Planning Commission, is there a desire to any of the Commissioners to make a motion?

Mr. Hirons: Mr. Chairman?

Mr. Howard: Yes, Mr. Hirons?

Mr. Hirons: The motion we're seeking, one of them to ask the Board for an extension...?

Mr. Howard: Additional time, right.

Mr. Hirons: You know, I think this came to us through the Economic Development Committee of the Board of Supervisors which is made up of Supervisor Stimpson from the Falmouth District and Supervisor Crisp from the George Washington District. I can certainly speak with Supervisor Stimpson as, if we make a motion and if it passes asking for an extension, that she support it; if Mr. Fields could do the same with Mr. Crisp. I don't there's a huge rush. I think the Board probably wants to do this right so I don't think there's going to be a massive objection to us asking for a slight extension.

Mr. Howard: No, I agree. But I'm not sure we want to roll the dice on that. I think if we did both in tandem... Mr. Harvey, could we cancel if in fact we hear from the Board of Supervisors, could we cancel the public hearing? I mean, the cost of this public hearing is really going to be three or four pages of text I would think?

Mr. Harvey: Yes, Mr. Chairman. The Commission could cancel the public hearing. If I estimated it correctly, the first run of the ad would be the first Board meeting in April. So, you could cancel the second run of the ad so it wouldn't be a full cost to run the advertisement.

Ms. Kirkman: Do you have to any individual property notifications?

Planning Commission Minutes
March 16, 2011

Mr. Harvey: No, this is a Zoning Ordinance text amendment so no owners are notified specifically. The notification requirements come with a zoning map amendment or a rezoning.

Mr. Howard: So we could request more time and also schedule the public hearing, but also we do have some time to cancel that public hearing if, in fact, we're granted the extension.

Mr. Harvey: Correct.

Mr. Howard: And the only foul there is it's going to be \$300 for the first advertising.

Ms. Kirkman: Except for, Mr. Chair, as I said, I could not support a motion to send these proposed Floor Area Ratios to public hearing. Once things get advertised they tend to take on a life of their own and I think, you know, if these go forward we're really creating the potential for turning everything into Central Park. So, I'm just not... I just couldn't support that motion. I don't know what the way out of this conundrum is but I can't support sending these proposed Floor Area Ratios to public hearing without more information.

Mr. Howard: Any other comments?

Mr. Fields: I do want to... I certainly would, if Mr. Hirons is making a motion to request an extension, I'll certainly second that and agree, like he, I'll certainly speak to Mr. Crisp and, you know, beg for mercy here and ask him that we've just... you know... We're doing the best we can and we don't have the information to make an informed decision and we don't want to make an uninformed one, I mean, it's really quite that simple.

Ms. Kirkman: Isn't Supervisor Milde also a member of that committee?

Mr. Hirons: I don't believe so; I think he's...

Mr. Howard: He is? Okay, so Mr. Mitchell can also...

Mr. Hirons: He is?

Mr. Mitchell: Yes.

Mr. Hirons: Okay. Mr. Mitchell, you're on the hook also.

Mr. Howard: Well, are you making a motion Mr. Hirons?

Mr. Hirons: My motion is simply going to be to request the Board of Supervisor extension; however, I don't want a long extension. I would want it to be the following two weeks... I don't know what the date is.

Mr. Howard: I would do thirty days.

Mr. Hirons: Thirty days?

Mr. Howard: In your motion.

Planning Commission Minutes
March 16, 2011

Mr. Hirons: Okay. Thirty days... a thirty day extension from May 3rd which would be roughly April Fool's Day... June 1st rather. I'm not going backwards, sorry.

Ms. Kirkman: Where does that line up in our meeting schedule? It would be our first meeting in June.

Mr. Rhodes: It gives us the May meetings.

Mr. Fields: Yeah. Which date is that?

Mr. Howard: The first meeting in June is June 1st.

Ms. Kirkman: Okay.

Mr. Hirons: Okay. So the motion will be to request the Board of Supervisors an extension of this issue until June 1st.

Mr. Fields: Second.

Mr. Howard: Any discussion? Hearing none I'll call for the vote. All those in favor of the motion which is requesting more time on the FAR zoning district public hearing signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

Ms. Kirkman: Well, Mr. Chair, at this time and it sounds a little... I just don't know any other way out of this bind...

Mr. Howard: You could make a motion that requests the public hearing notification go out and be scheduled using the current FAR...

Ms. Kirkman: That's exactly what I was thinking.

Mr. Howard: Okay.

Ms. Kirkman: I hate doing that but that just seems the best way out of the bind because we really don't know what the consequences are at this point. So that's my motion; that we have... based on the

***Planning Commission Minutes
March 16, 2011***

information that we... Well, I'll make the motion and then state my reasons. My motion is that we move this Ordinance forward with all the current Floor Area Ratios.

Mr. Fields: Second.

Mr. Howard: Second; as illustrated in the chart given to us tonight, right?

Ms. Kirkman: That's correct. And Mr. Chair, I made that motion because that's the best recommendation I can make at this time based on the information that we have.

Mr. Howard: Right. Is there any other discussion?

Mr. Hirons: Mr. Chair, I'm sorry... was the motion to go ahead and move it forward, advertise for public hearing, or is it to prepare to advertise for public hearing with...

Mr. Howard: We have to take action on it so, with the caveat... well, at our next meeting we could make a motion to cancel. So, we always have that option. Modify, sure. So, Mr. Harvey, is that clear? The motion is, before we vote so everyone's clear, including staff, the motion is to advertise for public hearing which is R11-54 using the current FAR illustrated on the chart given to us this evening, right? Everyone has that? So we're going to prepare that for public hearing.

Mr. Harvey: Mr. Chairman...?

Mrs. Hornung: Mr. Chairman, I believe it'll be Ordinance 11-10 that...

Mr. Howard: I'm using the Board's Ordinance, you're right; it's Ordinance 11-10. I'm sorry.

Mr. Harvey: So, Mr. Chairman, just so I understand, proposed Ordinance 11-10 would have the existing and shown twice... or actually we would just advertise what already exists in the Ordinance.

Mr. Howard: Right.

Ms. Kirkman: Yep, that's what we're doing.

Mr. Fields: At this point that's all we can say.

Mr. Rhodes: So, how does that apply to the language that's in the Ordinance? In order to amend? To stay the same? Or we'll just pick out an ordinance every month and just advertise it so people can read what the existing ordinances are.

Mr. Howard: Well, no, in this case that's the...

Mr. Rhodes: I mean, but does that fit with the language of the Ordinance?

Mr. Fields: I don't think we think this is an elegant solution Mr. Rhodes; I think we think it's about all we can pull out at this moment without advertising, without suddenly advertising arbitrary changes to the Floor Area Ratio...

Planning Commission Minutes
March 16, 2011

Mr. Howard: Yeah, and I think we're advertising that the County has a desire to re-evaluate the FAR in zoning districts, and that's the advertisement. And we're going to advertise the current FAR and the proposed FAR is the current FAR.

Ms. Kirkman: And I think we're all desiring that the Board will recognize that we've done as much work as we can on this with the information that we have and that they will grant us an extension so that we can move something forward, understanding what the consequences of it would be.

Mr. Howard: Yeah, we want to make sure there's no unintended consequences essentially.

Mr. Rhodes: But the Ordinance talks about changing and we won't show anything to be changed. I mean, do we want to use the exact same language, just with a non-changed FAR?

Mr. Howard: That's the motion on the table.

Mr. Fields: Yeah.

Ms. Kirkman: We're in this conundrum because the... because of the State statute and the way it reads about failing to act on a Board... when a Board sends us this.

Mr. Howard: On a Board Resolution.

Ms. Kirkman: Yeah.

Mr. Rhodes: Is there any problem with advertising something like that, that talks about what we're going to change and then tests them to find what we're changing?

Mr. Smith: Mr. Rhodes, I have never prepared or reviewed an ad I don't think that is quite like this one so I can't say what it's going to look like at this moment but...

Mr. Rhodes: There's going to be one detailed oriented person who's going to go, there's something in here that's changed, I can't figure out what it is but I'm going to keep searching till I find it.

Mr. Smith: I will work with the planning staff to try to craft an ad that is as explanatory and clear as possible of what is going on and what the Commission is advertising a public hearing on.

Ms. Kirkman: And I think we're all hoping that we will be cancelling that public hearing (inaudible).

Mr. Howard: Right; I mean, that's the best result.

Mrs. Hazard: Mr. Chairman, it also seemed like we had some brief discussion at least of whether this was the exact vehicle we were going to be using going forward as well.

Mr. Howard: Right.

Mrs. Hazard: Is how I understood... at least a preliminary discussion so I understand we need to do it this way for now but I would just say to my colleagues when you talk to your Supervisor counterparts that we want to make sure we send the correct vehicle forward and the correct ordinance.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Yeah, and I agree. And actually, you know, I quickly read it before and reading it again, it says the Board desires to amend and reenact Stafford County Code Section 28-35, Table 3.1, Table of Uses and Standards, to amend the Floor Area Ratio requirements for commercial and industrial zoning districts, and it goes on with some other detail and doesn't have the numbers in there. So, I'm not sure...

Mr. Rhodes: My only thing was the... what is drafted says we're amending something and we're attaching something as nothing amended. I just wondered if we want to... I don't know. It just seems odd to send something out saying here's our proposal what we'll amend and have exact... it just seems like we ought to change the words there somewhere.

Mr. Howard: I don't know if we can change the words of the... I mean, we're changing the Floor Area Ratio because we've been told we can, right, but I don't think we can change the... We're advertising what already exists and we're going to hold a public hearing, we're going to have discussion, we're going to talk about the different scenarios, we'll have that chart by then, staff will do all that during their presentation before the public hearing. So I'm not sure what the foul is on that.

Mr. Rhodes: It just seems at the end we ought to be saying... it says all that the Board wanted us to look at and wanted to change some things... just some part of me says that at the end we ought to say, well we don't know what we would change so we are listing the exact same ordinance. At least that would be factual with what we're (inaudible).

Mr. Howard: No, but we're advertising the Floor Area Ratio is likely to change and we don't have, by zoning district, we don't have the recommendation yet. But we're advertising to the public, come in and talk to us about it, come listen to the staff's presentation...

Ms. Kirkman: My guess as part of the, I don't know if it would be part of the ad but certainly perhaps part of the explanation when inquiries are received about the ad, it would go something along the lines of the Planning Commission was asked to examine Floor Area Ratios because of a deadline. They could not yet make changes. They are going to continue to consider making changes. That would be something along the lines of the explanation.

Mr. Howard: Any other discussion? Hearing none I'll call for the vote. All those in favor of the motion before us signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Planning Commission Minutes
March 16, 2011

Mr. Rhodes: Nay. Seems weird.

Mr. Howard: The motion carries 6 to 1.

Ms. Kirkman: Mr. Chair...

Mr. Fields: Try not to take this personally Mike, as an affront to your sense of order and symmetry in the universe it really wasn't intended that way.

Ms. Kirkman: Which, as you'll recall, I was hesitant to even bring it up until the Chair brought it up.

Mr. Howard: I did and I supported you on it.

Ms. Kirkman: Mr. Chair, we do have staff from Economic Development here. Could we ask him to step forward? Would that be possible?

Mr. Howard: He's probably been waiting all night actually. Mr. Dayton, would you like to come forward for some reason?

Ms. Kirkman: Johnson.

Mr. Howard: Mr. Johnson, I'm sorry Brad. Brad Johnson. Sorry.

Mr. Johnson: Good evening Mr. Chairman; Brad Johnson, Economic Development.

Ms. Kirkman: Mr. Johnson, my question is given that staff has not yet... we don't have numbers in front of us that demonstrate that Stafford County is not competitive, what is it that lead your staff to believe that we're not competitive?

Mr. Johnson: I can't speak on behalf of the Ten Point Plan Committee, but I understand that the recommendation came out of them after looking at the existing rates that we show in our Zoning Ordinance compared to the rates that are published for the neighboring counties. I think that was the source of what generated the question.

Ms. Kirkman: So, this did not come out of your staff's office?

Mr. Johnson: In that our staff supports that committee, and does participate in those discussions, I don't recall it being a specific item that came up and said because of x, y and z we want to do a, b and c.

Ms. Kirkman: And are you aware of any proposed projects that could not be built under our current Floor Area Ratios? Has anyone approached your office about that kind of situation?

Mr. Johnson: No ma'am. We've had comments from the development community that have indicated that given our ratios today, they would need, for example, nine acres of land to build a certain building; under neighboring jurisdictions they would only need seven acres of land to build the same size building. There's been that kind of a conversation but nothing specifically about a specific project.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: And has that ever been followed by therefore I can't build in Stafford?

Mr. Johnson: I wouldn't take it that far. It's usually been it's more difficult to develop here.

Ms. Kirkman: Alright, thank you.

Mr. Johnson: Mm hmm, yes ma'am.

Mr. Howard: Great, thank you. Alright, we're on item 2 which is the Comprehensive Plan, UDA Allocation of 4,000 dwelling units. And we're going to take our normal 7:30 public comment break as well. But we can get started.

1. Conditional Zoning (Proffers) (**Time Limit: April 6, 2011**)

Mr. Harvey: Mr. Chairman, we still have item 1 on the agenda, Conditional Zoning.

Mr. Howard: Oh, the proffers, thank you.

Mr. Harvey: If you'll give me a moment, Mr. Chairman, this item was authorized for public hearing at your last meeting. And in preparation of the advertisement it was noticed that the version of the Ordinance that we had presented to the Commission did not include the changes that were adopted by the Board in August. Those changes reflect that the minor amendments for reclassifications so staff has prepared the revised... or prepared the Ordinance with that language in there and ask that the Commission consider re-authorizing the public hearing. The public hearing would still be scheduled for April 6th; we have the ad ready to go to the paper first thing in the morning so we could still meet the same time deadline.

Mr. Howard: Can somebody just quickly go over the language that you modified?

Mr. Harvey: Yes, Mr. Chairman. If we look at the provisions on page 5 of Ordinance O11-18, which is in your attachment 1 of the item number 1, page 5 references minor amendments to approve proffers and major amendments to approve proffers, subsections (f) and (g).

Mr. Howard: Right, so you changed the letters obviously.

Mr. Harvey: They were omitted from the previous draft of the Ordinance.

Ms. Kirkman: (Inaudible – microphone not on).

Mr. Howard: Page 5 of 7.

Mr. Harvey: At the top of the page. Again, that's language that's currently in the code that was omitted from our draft. Staff is requesting the Commission reauthorize the hearing with this language in the Ordinance.

Mr. Howard: Okay. Any other questions of staff on this? Anyone want to make that motion? Reauthorizing the public hearing with this corrected text?

Planning Commission Minutes
March 16, 2011

Mr. Fields: Excuse me, Mr. Chairman; I'm sorry, I'm trying to get my head around this. This is exactly the language that's in the code?

Mr. Harvey: Yes.

Mr. Fields: But, I guess... but, because we were discussing this aspect of it at the last meeting about whether to adopt the process that allows for amendments without going back to public hearing. But this doesn't seem to really address the process for these minor amendments; or am I just not understanding that? It says minor amendments are allowed but it doesn't say what the process for allowing them is, does it? I mean, is this administrative or Planning Commission or public hearing or Board of Supervisors...? I mean, I guess I don't understand. It says minor amendment... these are the conditions that allow for minor amendments but I don't understand who approves the minor amendments. Isn't that in the actual code where that was inserted? I mean, am I wrong here? Please correct me if I'm just (inaudible).

Mr. Howard: I thought that was a different part of the Ordinance, Mr. Fields. I'm trying to look for it as you're discussing it.

Mr. Fields: Okay.

Mr. Howard: Where we did some wordsmithing and changed and eliminated...

Mr. Fields: I mean, somebody's got to approve the amendments...

Ms. Kirkman: But that was before this paragraph (f) was added in and, so what is the process and where is it outlined in our code?

Mr. Harvey: The process is outlined in a different section of the code that deals with amendments to the zoning map. We still classify these minor amendments, as well as major amendments, as amendments to the zoning map. The section that you're referring to Mr. Fields is on page 7 of the Ordinance which is the last subparagraph which was 28-165, Amendments and variations of conditions.

Mr. Fields: Okay.

Mr. Harvey: We had dropped that last whole paragraph off, if you recall, that left the door open that the Board could do a minor amendment potentially without a public hearing. And the Commission had a concern that that wasn't good practice, so that was dropped out of the Ordinance.

Mr. Fields: Okay, so that's the process here.

Mr. Howard: Right, so...

Mr. Fields: Thank you.

Ms. Kirkman: But there is no... on minor amendments, there is no public hearing; is that correct?

Planning Commission Minutes
March 16, 2011

Mr. Harvey: That is not correct. There is a public hearing both with the Planning Commission and the Board.

Ms. Kirkman: It was the (b) structure that got changed or the definition of...?

Mr. Harvey: We created the standards or created the ability to have a minor amendment because that was not previously allowed in the code. So it's a little bit more streamlined in that it's more narrow focused to proffer conditions rather than opened up to a whole series of proffer conditions.

Mr. Howard: And the minor amendments still requires an application, but it's just a smaller fee; is that correct?

Mr. Harvey: Correct. And it should move through the process faster since it's more narrow focused and the issue with the amendment cannot affect the intensity or functionality of the site.

Mr. Howard: Okay.

Mr. Fields: But it still comes to public hearing?

Mr. Harvey: Correct, it still comes to public hearing.

Mr. Fields: Alright, thank you very much for clearing that up because I just...

Mr. Howard: We can either entertain a motion or we have to go to public comments, so if somebody wants to...

Mr. Rhodes: Mr. Chairman, I make a motion that we reapprove for a public hearing, the proposal in front of us, which adds paragraph (f) clarifying and conforming paragraph (f) to Section 28-162.

Mr. Mitchell: Second.

Mr. Howard: Second by Mr. Mitchell. Any discussion?

Ms. Kirkman: Mr. Chair, I'm going to abstain from the vote. I do remember opposing that change regarding minor amendments. I'd have to go back and look at the history on that. I don't want to hold up the process though.

Mr. Howard: Alright.

Mr. Harvey: Mr. Chairman, just to clarify, we have subsections (f) and (g) that were added.

Mr. Rhodes: And (g), thank you.

Mr. Howard: Okay. Any other discussion?

Mr. Smith: And just to further clarify, Section (a) under 28, currently -163 to be renumbered 162, is in the current code. It was the basis for much of (a) through... what would be (a) through (e)... because

Planning Commission Minutes
March 16, 2011

it was amended to add the major proffer amendments and minor proffer amendments, it was simply struck through here and all the text, proposed (a) through (e), was simply underlined.

Mr. Howard: Okay.

Mr. Smith: But the substance of proposed (a) through (e) has not changed.

Mr. Howard: I'll call for the vote. All those in favor signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Ms. Kirkman: I abstain.

Mr. Fields: I abstain also.

Mr. Howard: The motion carries 5-0-2, 2 abstentions. We'll now open up the meeting for public presentations. Anyone wishing to address the Planning Commission on any topic tonight... we do have a public hearing that is still advertised and will remain on our agenda through April 6th. And we probably... there's not a lot of people here tonight so I don't think anyone's here to talk about that but if you want to come back on April 6th and talk about that you can. We'll reopen the public hearing; it's been carried over till April 6th. Anyone wishing to address the Planning Commission on any topic may do so by stepping forward to the podium. You have three minutes; when the green light goes on we ask that you start. We ask you to state your name and address. The yellow light indicates you have about a minute left and the red light flashes, that means we'd ask you to conclude your comments and allow the next person to come up and speak.

2. Comprehensive Plan: UDA, Allocation of 4,000 Dwelling Units Update (**Time Limit: May 4, 2011**)

Discussed after Public Presentations.

3. Redevelopment Area Plans (**Time Limit: May 1, 2011**)

Discussed after Public Presentations.

5. COM1000344; Comprehensive Plan Compliance Review - Telecom Tower - CWS @ Payne's Corner - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code § 15.2-2232, for a 180 foot tall monopole telecommunication facility on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet east of Poplar Road, within the Hartwood Election

Planning Commission Minutes
March 16, 2011

District. **(Time Limit: April 30, 2011) (History - Deferred at March 2, 2011 Meeting to April 6, 2011 Meeting)**

6. CUP1000345; Conditional Use Permit - Telecom Tower - CWS @ Payne's Corner - A request for a Conditional Use Permit to allow a 180 foot tall monopole telecommunication facility in a A-2, Rural Residential Zoning District on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet west of Poplar Road, within the Hartwood Election District. **(Time Limit: April 30, 2011) (History - Deferred at March 2, 2011 Meeting to April 6, 2011 Meeting)**
7. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) **(Time Limit: October 6, 2010) (History - Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting) (Deferred - Requesting additional time from Board of Supervisors)**

Discussed after Public Presentations.

NEW BUSINESS

8. P-TND Ordinance Amendment; T-1 Transect Zone **(Time Limit: June 3, 2011)**

Discussed after Public Presentations.

9. RDA-1 Zoning District **(Time Limit: May 1, 2011)**

Discussed after Public Presentations.

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Howard: That doesn't count in your three minutes, just so you know, Mr. Waldowski.

Mr. Waldowski: What doesn't count?

Mr. Howard: The little tutorial; that was free.

Mr. Waldowski: Yeah, okay. Computer please. Thank you.

Mr. Howard: You have to tell us who you are.

Mr. Waldowski: I'm Paul Waldowski. Word of the month is perseverance. You know I come here to persevere. I'm one out of 128,961 in the 2010 Census. And I come from afar. I learned a new acronym today, Floor Area Ratios. Okay, my slide has 95 counties and 40 cities. And Stafford is sitting there in the green and I like it in the green. And my topic today is really your number 2 item,

Planning Commission Minutes
March 16, 2011

your Comprehensive Plan, UDA. I'm refining this more and more; as you'll see, I still call it Urban Downtown Areas. Because if we pick 8 UDAs and we only have 95 counties and only 40 cities, 8... that would increase our number of cities to 48 just by doing Stafford. Now, what I've done is I've brought back my chart and I refined it for you all. And remember, all I do is I collect the data. I'm not the one who made the data. You, as a board, have picked 8 UDAs, so you put us behind the 8-ball. But you did pick 3 good ones; I really like Courthouse and I'll show you why when I get to my next slide. And Brooke Point and Stafford are in their infancy and I know you're trying to do 4,000 dwellings, but I don't know where someone came up with 656 when I read the statute you only need 600. So why not just use 600 and learn from it and then go on your way. Now, as you know, we had three other groups and I combined the numbers and, you know, 666 is the mark of the beast. That kind of scares me. But I really like what Deana Rhodeside did and I reiterated this two weeks ago that she pointed out that the Courthouse downtown area, with over a hundred people who attended the Town Hall results, and gave us lots of neat examples. And all I've done is compiled the three areas and I've put them 600/600/3,200. If you go to Google Earth and you bring up Stafford, guess where you're sitting at? Right here. Courthouse. And... whoa, I went too far... and if you look at a drill down view of some of the landmarks here, you even have the Shell station which we could redo as the Town of Stafford. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward? Seeing no one else in the audience, I will close the public presentations and bring it back to the Planning Commission where we will now go to item number 3, which is the new item 3, Comprehensive Plan; UDA, Allocation of 4,000 Dwelling Units.

2. *Comprehensive Plan: UDA, Allocation of 4,000 Dwelling Units Update (Time Limit: May 4, 2011)*

Mr. Harvey: Yes, Mr. Chairman, Mike Zuraf will give the Commission an update.

Mr. Howard: Wait one second. The public hearings are carried over... yeah, Mr. Fields. I didn't see anyone here otherwise I would ask. Go ahead Mr. Zuraf.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf, Principal Planner, Planning and Zoning Department, here to talk to you about the amendments to the Comprehensive Plan for the allocation of 4,000 dwelling units into the Urban Development Areas. I guess, before I begin, just to clarify for Mr. Waldowski and any others, that this is reallocating 4,000 units to get to a total of 14,661 units; we're not just planning out 4,000 into the Urban Development Areas as was kind of suggested in the citizen's comments. At the last meeting, Resolution R11-89 was provided to you from the Board. That Resolution was to extend the Planning Commission's deadline to May 4th and also to hold off on scheduling any public hearing on the amendments to the Comprehensive Plan. Since that meeting, yesterday at the Board of Supervisors meeting, they approved Resolution R11-94; that was provided to you tonight at your desk. This Resolution does direct the Planning Commission to conduct a public hearing on specific amendments to the Comprehensive Plan. Also, those specific amendments were provided to you in text document with a big Stafford County emblem on the front and then also a full size Land Use Map to go along with that. And then also part of that Resolution would require that a recommendation be provided to the Board within 60 days of receiving this information tonight; that would equate to May 15th. Also, you did receive some additional information, more for clarification. It's a table that says Current Table 3.3. This is out of the current Comprehensive Plan and this is more for reference because within the

Planning Commission Minutes
March 16, 2011

proposed document you received, this table has been amended and it just shows the new data. This highlights the fields within this excel spreadsheet that has numbers and figures that have changed. So that's more for your reference, if you need to go back to what the current numbers are. As far as the amendments that are within the document you received, they are pretty much the same as what you received at your last meeting; that version that was provided that corresponded with the Board of Supervisors guidelines out of the prior Resolution, R11-78. And to kind of reiterate some of those amendments, those amendments would increase some the number of dwelling units in five of the existing Urban Development Areas with the exception of Eskimo Hill and, at the same time, expand the boundaries of those Urban Development Areas. Also, the amendments would designate Brooke Station as an Urban Development Area and establish an Urban Service Area around that area. The limits are the same as what was previously recommended before the Plan was adopted back in December of 2010. In the Widewater area, the Urban Services Area is proposed to be modified back to the limits that were in place prior to the December 2010 approval, with the exception of Widewater Elementary School. So, under this proposal, Widewater Elementary School would be included in the Urban Services Area. Now, east of the Urban Services Area in Widewater, the land use would be amended to agricultural and rural, with the exception of the two parks, the Patawomeck Park and Widewater State Park, and other features related to in the Widewater area including the Widewater Parkway and the proposed rail station, those were removed from the Land Use Map and also any references of those were removed from the Plan. You received a few portions of Chapter 4, the Transportation Plan, which removes those references from text and maps in that area. And then also part of the amendment, adjusted infrastructure that was recommended in the previously recommended Stafford Station UDA, infrastructure was adjusted and redistributed to other areas, to the five other existing Urban Development Areas that received units and all those changes in more detail are provided within the document. They're highlighted in underline and strikethrough format within that document. I do have a power point that could get into more of the details if you do want to delve into more of the details, but again, they are basically the same changes as what you saw at the last meeting. And also I will note that this new Resolution that you did receive, it would not preclude the Planning Commission from proposing their own separate amendments that may differ from the Boards' action. And I know that also at the last meeting there were some questions that came about regarding the issue of vesting relating to the Urban Services Area and vested rights that might occur and, I don't know, Mr. Harvey if you have any information to add on that issue to provide that response?

Mr. Harvey: I believe Mr. Smith submitted a confidential memo to the Planning Commission to address some of those issues. Also, we looked into specifically the property adjacent to the Widewater Elementary School. The preliminary subdivision plan for the Cavin Property does not identify offsite utilities; it shows the utilities stubbing to the property line. So, it's not clear on how they would access utilities off their property.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: What does that mean? How did they get an approved plan that just shows a stub without any connection?

Mr. Harvey: I'd have to check the notes but my assumption is that they're showing water and sewer just on the property that they control. As you may recall, at the time these plans were being reviewed and approved, we had Widewater area inside the Urban Service Area and there was a Master Sewer

Planning Commission Minutes
March 16, 2011

and Water Plan for how sewer and water was going to be handled. Since that time, the Sewer and Water Master Plan has been repealed. So, I would imagine that anything that they were submitting for a review had to comply with the Master Plan at that point in time.

Mr. Howard: Thank you. Are there any other questions relating to what Mr. Zuraf has presented?

Ms. Kirkman: Yes. One of the questions that the Planning Commission specifically sent to the Board was their desire to have a UDA at Boswell's Corner, since they sent to us an Ordinance that had densities greater than any existing UDA and units with the potential for nearly three times as many units as what they had agreed to in the Comprehensive Plan; I think it was over 3,000. What decision did the Board make regarding that?

Mr. Zuraf: Yesterday the Board did discuss that and it was not their desire or intention to designate an Urban Development Area in that location. And they are considering some additional options which you might refer back to Mr. Harvey to provide more information on that issue... on some of the other factors that the Board is considering there.

Mr. Harvey: Yes, Ms. Kirkman, it sorts of ties in with item 9 on the agenda. The Board did discuss the limits of potential development for Boswell's Corner Redevelopment Area and they had some concerns that the Master Plan shows a higher density than what the by-right and existing development allows today, but understanding the Marine Corps concern. So the Board had asked staff to prepare a letter for the Marine Corps asking them how they would view overall development within the Military Operations Area. As you recall, there's two Military Operations Area that affect the County; one is a noise contour area which is approximately five miles in radius from the various ranges on the base, and there is also a Military Operations Area for military flights into the base for the ranges. The Board knows that the base would like to limit development in those areas and was suggesting that we contact the base to take a look at either the concept of Transfer of Development Rights or some sort of flexible development scenario where if someone was to downzone or put a TDR or a conservation easement on one particular property and not develop it, could those conceivable by-right units be transferred to Boswell's Corner or some other area within the Military Impact Area. So the Board, with regard to item 9, asked the Planning Commission to hold off on scheduling a public hearing and extended the deadline for 30 days for staff to draft that letter to the Marine Corps and hopefully get an answer.

Ms. Kirkman: So is the Board considering any densities in Boswell Corner that would meet the requirements for a UDA? Because once you start talking about transferring development rights you're starting to talk about higher densities.

Mr. Harvey: The Board did not answer that question yesterday. We prepared a Resolution for them to fill in with desired level of development they'd like to see for the Boswell's Corner area. And, again, they did not take action on that. They wanted staff to confer with the Marine Corps to get more details.

Ms. Kirkman: So if the Marine Corps came back and said, we don't care about the distribution of the 744 units so long as it doesn't exceed 744 units, conceivably the Board could come back with a recommendation that there be residential density in Boswell's Corner at up to 10 units per acre.

Mr. Harvey: I guess that would be left up to see what the Marine Corps recommended. The Board didn't opine one way or another on how they would view it but asked us to check into that to see if that was a possibility.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: So, once again, it gets to the reason why we asked the question of the Board to begin with is if they're gonna do some kind of transfer of development and concentration of residential density that could potentially meet the requirements for a UDA, why aren't we... I mean, one of my colleagues, the Chair, used this as a... used the word back door way to do a UDA without calling it a UDA. And is that really what we're looking at here?

Mr. Howard: I think based on Mr. Harvey's comment, that's not what we're looking at. In fact, I went on the internet and looked up the whole BRAC Reduction Act again so I understood what are the things that impact bases when the Federal Government decides we're going to make a change. And I asked Mr. Harvey to print it; I pulled it down. It's actually a memo dated January 4, 2005, and it's pretty clear whether it's Quantico or it's some other military installation in the United States that encroachment, you know, is a huge issue for them. And it is also part of the methodology under which they determine whether they keep facilities open or not. So, those counties who find themselves in a tough spot right now, I would venture... I didn't look them all up... but I would venture to say the ones I did, I was able to identify there has been a lot of growth and there's been a lot of encroachment towards the bases. And, you know, some were naval bases, some were Army and so on and so forth, but they all have different uses. What was also interesting is they identify their own gap indicating that since 2001 Homeland Security and now the Department of Justice, DOJ, operates in tandem on many of their facilities. And it's not something that they're used to working with and considering in terms of what impact would it have to those agencies, but also the impact it could have on the economy of a particular area. So, while that's quoting the methodology, the most important ones are the encroachment issues. So, you know, then I asked Mr. Harvey if he could, as a reminder to all of us, include the memo that we got originally from... or the last memo I should say... which was in February of this year from Quantico and that's also included in our notes this evening as a reminder of what were their issues and why they had those issues. You know, I think it's important that we consider, as I thought it was important all along, Marine Corps Base Quantico's recommendations because of the economic benefit clearly that Stafford County receives from being a good neighbor with Quantico. I think that cliché, oh they can live and work, well they can't because the encroachment great than what is allowed today by zoning would be troubling to the Marine Corps. And if it's troubling to the Marine Corps, it's going to impact the FBI, the DEA has a facility there, and there are other Federal activities that they place on that base as well. So, I just thought we would... again, Ms. Kirkman, I don't think that's the intent of the Board. I think they let the RDA... and we'll get into it when we get to item 9... they let the RDA exist as it existed in the renderings which included some of the build-out numbers and the density in the hopes that the Planning Commission would come back to them with a realistic recommendation on the density. That was my understanding.

Ms. Kirkman: But it sounds like they actually took an additional step last night which was to inquire with the Marine Corps about doing some kind of transfer of density within the area, which would lead to higher residential densities which gets back to the question of if we're going to have higher residential densities, why aren't we using that to count towards our UDA allocation?

Mr. Howard: Well, I thought... and Mr. Harvey, correct me, maybe I misunderstood... but that the Transfer of Development Rights would be out of the Boswell's Corner, not into.

Mr. Harvey: It was my understanding they were looking at flexibility whether units could be located into Boswell's Corner from other areas of the County. One example was stated from Hartwood where

Planning Commission Minutes
March 16, 2011

the Military Overflight Area is. So you could say we'll have less development in Hartwood but move those dwelling units to Boswell's Corner as an alternative.

Mr. Howard: So, it is moving density into Boswell's Corner? That's not what I understood.

Mr. Harvey: That could be one of the scenarios; they wanted to get again more feedback from the Marine Corps on that.

Mr. Howard: Alright.

Ms. Kirkman: Which is why I think we needed...

Mr. Howard: Well, we have extra time to get clarification from...

Ms. Kirkman: But they did not grant us an extension on the UDA allocation, did they?

Mr. Harvey: No they did not.

Mr. Howard: No.

Ms. Kirkman: So, again, what we're looking at is allocating 4,000 units to the UDA with a potential for units in the future after that legislation is passed to be put into Boswell's Corner which could also meet the UDA legislation.

Mr. Harvey: Mr. Chairman, I should clarify what I just said. When the Board adopted the Resolution yesterday referring the Comp Plan Amendment to the Commission for the allocation of 4,000 units, it restarted the 60 day clock. So the Commission's deadline is not May 4th, it's now May 15th or 16th... I'm not exactly sure because I think that day falls on a weekend.

Mr. Howard: So, when would we have to move to a... or make a motion to move to a public hearing on the UDA, 4,000 dwelling units?

Mr. Harvey: Mr. Chairman, I don't think it's imperative that the Commission make a motion for a public hearing tonight. Staff would recommend that the Commission consider looking at a public hearing for your May 4th meeting.

Mr. Howard: And we could authorize that at the...

Mr. Harvey: April 6th meeting.

Mr. Howard: ... April 6th meeting.

Ms. Kirkman: What's our deadline under the current legislation... under the Ordinance that got... the Resolution that got sent to us last night?

Mr. Harvey: Again, I believe it's May 15th.

Ms. Kirkman: And what's our last meeting prior to May 15th?

Planning Commission Minutes
March 16, 2011

Mr. Harvey: It would be May 4th. Unless the Commission holds a special meeting.

Mr. Howard: We could always hold a special meeting, yeah.

Ms. Kirkman: Because it does seem important to get this issue of Boswell's Corner resolved prior to (inaudible).

Mr. Howard: Well, when will you draft the letter to the Marine Corps and how quickly do they typically respond?

Mr. Harvey: Staff is beginning discussion about that today.

Mr. Howard: Because we know they're listening.

Mr. Harvey: Yes. I'm not certain when it's going to come out in the timeframe to respond but if it seems to be exceeding 30 days then staff will let the Board know and the Board can consider adding more time if necessary. We do have the issue though that we are bumping up against the time limit to try to get the UDAs resolved to meet the State Code requirements.

Mr. Howard: Yeah, we have to do that. I think that's going to have to happen. That's really the deadline, whether we get the (inaudible).

Ms. Kirkman: What's the what if in the state legislation if that July 1 deadline is not met? What does it say that the consequences...?

Mr. Howard: Mr. Smith, do we know? Oh, we have Mr. Taves; I forgot to announce that. Mr. Taves, do you have that answer?

Mr. Taves: The State Legislation does not specify anything so, in effect, Stafford County would be in violation of the UDA deadline. What a court would do with that depends on the particular situation. It would most likely come up in the context of a land development proposal that might come forward. And there aren't any cases obviously. The UDA statute is relatively new, so we don't have a large basis of history to go on in that regard.

Ms. Kirkman: And we do have nearly all the units and UDAs so it's not as though development projects cannot move forward under... in a UDA situation.

Mr. Taves: Assuming... or what are we assuming? That the Board's proposal is adopted?

Ms. Kirkman: No, the Comprehensive Plan that has been adopted already has...

Mr. Howard: A thousand units... 10,000 units.

Ms. Kirkman: Ten thousand units.

Mr. Taves: Ten thousand, six sixty-one.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: Right. So it's not as though a developer that wishes to move forward building a UDA has no ability to do that, correct?

Mr. Taves: That's true, but Stafford County would be 4,000 short and the statute, as it's written, is mandatory. I would note one thing with regard there was discussion about Boswell's Corner. Of course, in the Board's amendments that the Board has referred to the Planning Commission to conduct a public hearing within 60 days, there is no Boswell's Corner UDA and that isn't included at all. Zero units in UDAs, in Boswell's Corner, come out of that amendment. That doesn't mean though that the Commission couldn't, on its own, propose amendments in that regard. The 60 day deadline specified by the Board applies to the Board's proposed amendments; it doesn't necessarily apply to the Planning Commission's consideration of its own independent amendments.

Ms. Kirkman: So, getting back to the what if, let's say the Board adopts at the end of July the additional 4,000 units.

Mr. Taves: End of June?

Ms. Kirkman: End of July; so a month late.

Mr. Taves: Oh, okay.

Ms. Kirkman: By some reason, you know, a developer files a lawsuit let's say two weeks after the July 1st deadline, doesn't the issue become moot because the County has now met the requirement?

Mr. Taves: You're asking me to speculate on what the circumstances are at that point, what the issue is in the case, how it's been framed; I'm not sure that we can do that at this point. That certainly would be an argument that you could make. But, how a court would rule on that... I don't know.

Mr. Zuraf: Mr. Chairman, I guess in response to the what if question, it's not related to the State Code but just to remind the Commission that we do have a grant, a UDA grant that we've been slowly working on. It's kind of been put on hold. The consultant's slowing working on that. The deadline for that grant is September 30, 2011, so a lot of things are going to have to happen after these UDAs get established in working on the implementation procedures that were agreed to within that grant. And if, at a certain point... VDOT is the administrator of the grant so we're working through VDOT... if they feel that we're not performing and meeting the expectations or if we don't meet that grant because of whatever delays that the consequences that the County would have to pay back the money that has been expended by the consultant. So, just to make you aware of that.

Mr. Howard: Right.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Mr. Zuraf, hasn't VDOT already shown a great deal of flexibility around how the County utilizes that grant? For instance, at the last minute even though it was not part of the proposal, VDOT gave the County permission to use the consultants to do the workshops around the allocation of the 4,000 unit...

***Planning Commission Minutes
March 16, 2011***

Mr. Zuraf: There has been flexibility.

Ms. Kirkman: So, VDOT's demonstrated some flexibility around that grant.

Mr. Zuraf: They have.

Mr. Howard: Thank you for pointing that out. Okay, are there any other...?

Mr. Rhodes: Mr. Chairman.

Mr. Howard: Yes Mr. Rhodes?

Mr. Rhodes: Mr. Zuraf, just to confirm... so in what the Board has provided, it adds Brooke Station back in and the number of housing units... dwelling units it adds there for a UDA is the exact number it took away from Courthouse. And the Centreport goes back up 600 which is in the exact types that go down from Southern Gateway. Other than that, what's the next major change that's represented in here would you say?

Mr. Zuraf: Just to clarify, the Brooke Station didn't take away units from Courthouse; I guess it really took away units from Stafford Station. It added 870 units.

Mr. Rhodes: Yeah, but what I have is that Courthouse went down 120 multi-family units and Brooke Station went up 120, Courthouse went down 300 townhouse units and Brooke Station went up 300. And single-family went down 450 and Brooke Station went up 450, so the net affects were 870, regardless of where they came. And then what I had for Southern Gateway was that its multi-family went down 300 and Centreport went up 300 and the townhouse went down 300 and Centreport went up 300.

Mr. Zuraf: Okay. In Southern Gateway, the multi-family went up 700. You might be looking at the Planning Commission option...

Mr. Rhodes: I may be on the wrong ones then. Okay. So...

Mr. Howard: He's on page 319... 3-19. Table 3.3.

Mr. Rhodes: I was on 3-19 of what was the March 2nd proposed amendments with Planning Commission modifications, compared to the March 15th Board of Supervisors amendments, both page 3-19, trying to get the net effect.

Mr. Zuraf: So you're looking at the difference from the Planning Commission options.

Mr. Rhodes: From what we had last left off...

Mr. Zuraf: (Inaudible).

Mr. Rhodes: Yeah, yeah... I'm sorry, thank you. I'm sorry. What we had last left off when we took it down to six and moved some around to what this is, I see those changes and adding Brooke Station.

Planning Commission Minutes
March 16, 2011

Other than that, what's the most significant... is there another significant element of all the red line outline and stuff that you would highlight?

Mr. Zuraf: The significant changes were the changes to Brooke Station... you know, removing Brooke Station, and moving...

Mr. Rhodes: And then the net changes of the dwelling units.

Mr. Zuraf: Yeah, moving units from Centreport down to Southern Gateway.

Mr. Rhodes: Okay.

Mr. Zuraf: Those were the major changes.

Mr. Rhodes: Okay; thank you very much. Thank you Mr. Chairman.

Mr. Howard: Thank you.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: In the December draft that the Board held a public hearing on, how many units were there at the Brooke UDA? And since I see you digging through your materials, the second question I have is how do the boundaries of this Brooke UDA differ from the December draft?

Mr. Zuraf: The previous recommended units were 750; the boundaries are the same.

Ms. Kirkman: So this brings back the 750 units and adds an additional 80 units and the boundaries are the exact same.

Mr. Zuraf: Yes.

Ms. Kirkman: Is that right?

Mr. Zuraf: Yes.

Ms. Kirkman: So, how is... the Board's Resolution that was passed in December removed the Brooke UDA. How is this consistent with the Comprehensive Plan that was passed by the Board in December, since it puts the Brooke UDA back in?

Mr. Zuraf: How is it consistent?

Ms. Kirkman: Mm-hmm.

Mr. Zuraf: Are you referring to how it maybe is consistent with that Resolution?

Ms. Kirkman: Uh-huh.

Planning Commission Minutes
March 16, 2011

Mr. Zuraf: Okay, that's been an issue that's been discussed at the Board level and what the... maybe I would defer to the County Attorney staff to answer this question.

Mr. Howard: Mr. Taves?

Mr. Taves: If I may, Mr. Chairman... when you said that the December action removed the Brooke Station UDA, what the December action did was it simply adopted the six UDAs that it adopted and did not adopt the Stafford Station or the Brooke Station UDAs. That was a decision by the Board to not exercise its legislative discretion at that point. But that doesn't withdraw from the Board's authority the right to change its mind at a later date and adopt something that in December, for example, it decided not to adopt. Is that... does that answer your question?

Ms. Kirkman: Well, I think that's pretty finely dicing it since I do believe that Resolution called for the 4,000 units to go either into the existing six or a new UDA. And since this was one that was on the Plan the Board was considering, it seems to me that it's certainly inconsistent with the spirit with which I know at least two members of the Board voted in support of that Resolution.

Mr. Howard: Okay.

Mr. Taves: Well, yesterday that same argument was made and the County Attorney addressed that issue. And I totally agree with what the County Attorney said and that is, basically, simply because a legislative body like the Board decides on one day not to take action on something doesn't mean that it can't the next day. A legislative body cannot take away its legislative authority. If it had the authority to act on the first day, on the 14th, it had the authority to act yesterday or in the future.

Ms. Kirkman: So if I could just make sure I understand correctly the legal position of the County, it's that even though it was clear, and the word that was used in that Board discussion was compromise, that even though there's an agreement among the Board to move forward in a certain manner, because technically they never give away their right to legislate, they can always take that back the next day.

Mr. Taves: Well, I don't know that there was any agreement in that regard, and if there was an agreement, that would be an illegal agreement because that would be doing exactly what I was just suggesting you can't do; and that is take away the Board's legislative authority.

Mr. Howard: Okay, I think we got it.

Ms. Kirkman: Thank you.

Mr. Howard: Thank you. Alright, so, are there any questions related to any of Mr. Zuraf's presentation, recognizing this is a brand new document to all of us and we need some time to absorb it. I think it was a good question Mr. Rhodes asked.

Mr. Fields: Mr. Chairman? I wasn't at the Board meeting yesterday. Was there any reference in the discussion to the Planning Commission's discourse and votes on the UDA allocations and the Board's discourse on it?

Mr. Howard: Mr. Harvey?

Planning Commission Minutes
March 16, 2011

Mr. Fields: I mean, obviously there's (inaudible)... I mean, we haven't had a public hearing and adopted a recommendation but I assume that members of the Board are aware that we adopted a different version (inaudible – microphone not on).

Mr. Harvey: Yes, Mr. Fields, that was part of the discussion yesterday. The initial motion was made to refer the Board's version and then there was a substitute motion to consider the Planning Commission's motion. The substitute motion did not pass; however, there was some discussion acknowledgement of the Planning Commission's alternative and there was discussion that the Commission could, if it so desired, send forward its own alternative to the Board's proposal.

Mr. Howard: But I think...

Mr. Fields: Was it ever articulated, either individually or collectively by the Board, why, after several iterations and discussion by the Planning Commission and a 5-2 vote to remove the Brooke Station, that the Brooke Station went back in? What was given as the compelling public interest that they felt required that a Brooke Station be reinserted?

Mr. Harvey: I'm not sure that the Board, as a whole, commented on it. There was an individual member who commented about the public participation at the UDA work sessions and indicated that there was a large following of people that supported the Brooke UDA.

Mr. Zuraf: I think there was some talk of the fact that the Planning Commission could still make other recommendations that they were kind of okay that, you know, let's hear what also the Planning Commission has to recommend at the same time. So, that was mentioned as well.

Mr. Fields: But it was a 5-2 vote by the Board of Supervisors to move forward this version with the Brooke UDA in it, right?

Mr. Zuraf: Correct.

Ms. Kirkman: Mr. Harvey, who opposed that motion?

Mr. Harvey: If I remember correctly, Mr. Crisp and Mr. Woodson opposed the motion.

Ms. Kirkman: Thank you.

Mr. Howard: Okay. I thought Mr. Rhodes asked a good question of Mr. Zuraf in terms of are there any other differences that you want to highlight, you know, that we want to take a quick look through either while we're all together or when we're alone. But, anything that comes to mind?

Mr. Zuraf: I kind of just really brushed over the changes and your document does have the specific units, you know, that...

Mr. Howard: Well, Ms. Kirkman also asked a good question about the boundary. Are there any other boundary changes that occurred on the Land Use Map because now we have a Land Use Map from the Board of Supervisors?

Planning Commission Minutes
March 16, 2011

Mr. Zuraf: Right. Not from the version that you received last week. So I can still review those if you'd like and go over those changes again just to clarify.

Mr. Howard: I don't see a huge desire for that.

Mr. Zuraf: Okay. And the language does have the specifics of the... in some areas there was additional commercial square footage recommended in areas that saw a greater increase in the number of dwelling units. For example, in the George Washington Village area the Urban Development Area was expanded to include Embrey Mill and in Embrey Mill you have an already zoned area that includes a town center and is planned for 1.1 million square feet of commercial, so that's an additional...

Mr. Howard: And how many residential units was Embrey Mill? It was at least a thousand.

Mr. Zuraf: That overall added around 900 and some but then the overall UDA is very large and had several thousand. But it was an increase of around 900 with most of those in Embrey Mill.

Mr. Howard: Okay.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: This isn't for Mr. Zuraf but, before we leave this item, there were a number of questions that were asked about the implications of where the Urban Services Area gets drawn on the Widewater Peninsula. Only one very general question was answered in the memo from the attorney and some of the specifics are very important. For instance, I supported putting the middle school there in the Urban Services boundary even though in reality it makes absolutely no difference to the school because it's already got water and sewer. So it doesn't impact the school one way or the other. My concern was then what does it mean? And now what we've learned is that the adjacent property, although approved for public facilities, doesn't specify on the Plan how it's going to connect to those public facilities. And so I think it's important to understand if including the school facilitates those public facilities on the adjacent property, we should know that when we go through our considerations about the Urban Services Area boundary. So, I would like to know if we are going to get the answers to the full extent of questions that we asked regarding the Urban Services Area in Widewater.

Mr. Howard: We can do that. Before we ask the attorney... Mr. Harvey, you indicated that there was a stub that ran to the parcel in question, the adjacent parcel to the school?

Mr. Harvey: Yes, the proposed plan for the subdivision called the Cavin Property basically ends the water and sewer lines at the property line with the school. It doesn't show how their... or excuse me, they ended the property line to a parcel adjacent to the school, but not quite at the school.

Mr. Howard: So they end on a different parcel?

Mr. Harvey: Yes.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Okay. So the water already runs on a parcel that is not County property... that is also not occupied and is a planned... I want to make sure... if I'm wrong, say that because I'm just trying to tell you what I understand.

Mr. Harvey: There is a vacant parcel between the Cavin Property's project and Den Rich Road...

Mr. Howard: That has a stub connection... so it ends there.

Mr. Harvey: I don't believe the sewer and water is on that vacant property, but it would have to be extended across that vacant property to access the Cavin Property. However, if that was not available, the Cavin Property does share a common property line with the school so there may be an alternative route if that was something that they had to pursue.

Mr. Howard: And Ms. Kirkman's question was, if that in fact is the case, based on the way the Ordinances are written today in the zoning, does that property owner have the right to connect to the water and sewer?

Mr. Harvey: That would be more so a Utilities Ordinance requirement than a zoning requirement. The Utilities Ordinance specifies if you're within a certain distance and a certain cost threshold, you're required to connect to the utilities. In this case, their plan is approved on utilities, public water and sewer utilities, so it's logical they would connect and probably could meet the threshold of the cost. The issue would be can they obtain the necessary easements in order to make that work.

Mr. Howard: So, if the school property is not in the Urban Services Area, would they still have the same right? Because the school is on sewer and water.

Mr. Harvey: The Utilities Ordinance, if I recall correctly, doesn't distinguish between the Urban Service Area for this particular issue; it's a matter of distance and cost to the utility lines. So, if those utility lines exist, whether it's in or out, it probably won't make a difference.

Ms. Kirkman: And this was another part of the question, line of questioning, does it make any difference in terms of how the costs are borne out so I know that now, when a plan comes in, if it requires like a, I don't know, a pumping station or something, that the cost of that pumping station are shared differently based on whether or not it's in the Urban Services Area or out? Is that correct?

Mr. Harvey: Generally speaking, any improvements that are constructed that's in the County's Master Plan inside the Urban Service Area is partly paid through a pro-rata share program. If you're outside of the Urban Service Area or constructing some private improvement or an improvement that's not identified in the Master Plan, that would be borne at the cost and expense of the developer.

Mr. Howard: So, if they were able to connect, it wouldn't automatically... we're not going to change the Urban Service Area boundary just because they figure out a way to connect. It sounds like they could do that today, unfortunately.

Mr. Harvey: I don't believe the County would be obligated to change the Urban Service boundary.

Mr. Howard: Right. Yeah, we're under no obligation to do that. I don't know if you had any other questions Ms. Kirkman. Okay. Alright, what's the appetite of the Commission? Do we want to read

Planning Commission Minutes
March 16, 2011

through what we've just received? Sounds like Mr. Zuraf went over the highlights. Are there any other questions of staff? So, Mr. Harvey, the timeline on this again in terms of when we go to public hearing what meeting would we have to vote on in order to hit that deadline?

Mr. Harvey: Again, Mr. Chairman, based on your current meeting schedule, staff would recommend you consider scheduling this for your May 4th meeting. That would mean that you could either authorize the hearing tonight or wait until your April 6th meeting.

Mr. Howard: So we still have until April 6th to meet all of the requirements for advertising and staff would be able to do all that work?

Mr. Harvey: Yes sir.

Mr. Howard: Okay. Then in terms of the budget, you haven't given me an update in a while. What money do we have to spend and what do you estimate based on past experience that the cost of this advertising would be?

Mr. Harvey: Mr. Chairman, the current balance that shows in the Planning Commission account for public notice is \$28,694.11. We understand that we have some unposted expenditures; I'm not sure how much that will work out to. The last advertisement for the Comprehensive Plan, the advertisement cost was \$17,843.64. At this point in time, I'm unclear whether the ad for this amendment will be more or less expensive than the previous ad. It potentially could be less expensive because there'd be less text involved with the advertisement; however, there's a possibility that there could be more maps involved because we have a situation where the boundaries of the Urban Development Areas are changing. What we did in the previous advertisement, and would do also in this advertisement, is show the overall Comprehensive Plan map as it is today and the proposed map. Again, I'm not sure if we would have both the existing UDA and the proposed UDA in the ad. That still has yet to be determined. But the maps in general are things that add to the cost of the advertisement.

Mr. Howard: Sure. They have to be in color, I assume? The maps?

Mr. Harvey: Yes sir.

Mr. Howard: And we're also on the hook for advertising a public hearing for the RDAs, is that right?

Mr. Harvey: The Redevelopment Area plans, yes.

Mr. Howard: Yeah, so that's a whole other set of numbers coming. Okay. Does anyone else have questions? No? I'm getting the feeling that the will of the Commission is to carry this to the next meeting; is that fair enough to say? I see a lot of nods. Okay. We'll leave this on the agenda for the next meeting. Thank you, Mr. Zuraf. Okay, we covered number 4, 5 has been deferred, 6 is deferred, 7 is...

Ms. Kirkman: I do have a request of staff.

Mr. Howard: Yes, Ms. Kirkman.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: I have worked with the Free Lance-Star in advertising for the Tuesday Stafford section and they have, in the past, shown some flexibility around that as long as they know what kind of space they need to hold. And I was wondering if you could check with them to see if you got them advertising after the morning of the 21st, if that would meet our advertising deadlines and their deadlines. I'm really uncomfortable moving forward on anything with the UDAs until the situation at Boswell's Corner has been resolved. So I'm trying to find ways that we can maximize the amount of time before we have to make decisions on these...

Mr. Howard: So your question is if they hit that Tuesday, is that enough time? Could the Free Lance-Star handle that?

Ms. Kirkman: Well, if we... I'm trying to do the advertising deadlines in the same time in my head as...

Mr. Howard: Right.

Ms. Kirkman: So, the ad would have to appear the week prior to the May 4th and the last week in April, and we do it in that Tuesday section because the cost is about half of the regular paper.

Mr. Howard: Right.

Ms. Kirkman: And it has been my experience that if you get things to them first thing on Thursday they can often get it into that Tuesday edition.

Mr. Howard: That Tuesday section, yeah.

Ms. Kirkman: Yeah.

Mr. Harvey: Mr. Chairman, one thought that's crossing my mind as this discussion is going on is that we... the Commission is still bound to advertise the Board's amendment as the Board presented it so there would not be the ability to make changes to that amendment. So, the advertising timeline probably doesn't need as much flexibility.

Ms. Kirkman: Right. It would be around the Commission's own recommendation which... where it would be most important to have the (inaudible).

Mr. Howard: Yeah, we would want to do it in tandem I would think.

Ms. Kirkman: So we'd still need the answer to the question could we get something to them on the morning of the 21st and still get it in the following Tuesday.

Mr. Howard: Alright, we'll ask Mr. Harvey to have somebody research that. You can send an email out to us whether that's good or not. Okay, and then... oh, Mr. Zuraf.

Mr. Zuraf: Yes, I'm back. The ad would need to run on April 19th and 26th. So, yeah, that would not work. And with an ad like this, the paper has wanted some extra time because of the size of the ad and in working with them on the Comp Plan ads we've actually had to kind of work in a little extra.

***Planning Commission Minutes
March 16, 2011***

Mr. Howard: Thank you. Item number 8 is the... oh, the Redevelopment Area Plans, the new item 4.

3. Redevelopment Area Plans (Time Limit: May 1, 2011)

Mr. Harvey: Yes, Mr. Chairman, we have Mr. Johnson here to speak to the Commission about item number 4.

Mr. Howard: That's why Brad's here. I was trying to rush it. I thought Mr. Johnson went already.

Mr. Johnson: Thank you, Mr. Chairman. Brad Johnson, Redevelopment Administrator. I have a short presentation for you tonight.

Mr. Howard: Great, thank you.

Mr. Johnson: Mr. Chairman, in your packet that was mailed out to you, you should have revised copies of Volumes I through V of the Master Redevelopment Plan with a big red stamp on the front that says Final Draft Dated March 1, 2011. And that is the current version of those five volumes of the plan. That's the only thing that's changed in writing since the last time the Planning Commission looked at this document last summer. And I'll go through the changes in my presentation as I go forward.

Ms. Kirkman: Could I just get a clarifying question then?

Mr. Johnson: Yes ma'am.

Ms. Kirkman: If the only thing that has changed in this document is that it now says Final Draft, March 1, 2011, why is it in front of us again?

Mr. Johnson: No, that... I didn't mean to imply that.

Ms. Kirkman: Okay.

Mr. Johnson: These are the only... the only changes in the ten volumes since the last time you saw the plan are in these five volumes.

Ms. Kirkman: These five, okay. That makes a lot more sense.

Mr. Johnson: And I'll explain what that change was. My presentation tonight, I'm going to go through the current status of the document; it has been since August since the Redevelopment Plan was here. I'll also go back through and review the Redevelopment Plan action items and then I will touch on the staff recommended change which is the only change in these five documents that you have not yet seen is a staff recommendation early in the document.

Ms. Kirkman: So that I understand, when you're presenting those staff recommended changes, are there any additional changes in these documents besides these changes since the last draft?

Mr. Johnson: No ma'am.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: Okay, thank you.

Mr. Johnson: Just to remind us, the Redevelopment Plan document is roughly a 3,000 page document that is contained in ten volumes. When this went through the Planning Commission last year, we distributed that to you on DVD mainly for cost reasons and offered to provide you with hard copies if anyone did want that. Again, just going quickly through the ten volumes, the first volume is a general document on Stafford County which is in front of you dealing with redevelopment. The next, Volume II, is on Boswell's Corner. Volume III is on Courthouse. Volume IV is on Falmouth. Volume V is on Southern Gateway. Then we get into what we're calling the appendixes. Volume VI is a cultural resources report on Falmouth Village. Volume VII is a cultural resources report on Boswell's Corner, Courthouse and Southern Gateway. Volume VIII is a cultural resource report presenting examples of cultural resource legislation from around the country. Volume IX is the traffic data that we developed. And Volume X is the infrastructure of the water and sewer. Approximately a year ago the Master Redevelopment Plan was endorsed by the Board of Supervisors and forwarded to the Planning Commission. The Planning Commission reviewed the plan over the subsequent months and recommended some changes to the Falmouth Redevelopment Plan in August 2010. Those were the only changes recommended by the Planning Commission. Following that date, the Redevelopment Plan was reviewed by the Economic Development Ten Point Plan Committee in October and November of last year.

Mr. Fields: What are the ten points? The Ten Point Plan Committee.

Mr. Johnson: I don't have that document with me and I'm not sure I could list all ten points off the top of my head; I'm sorry sir.

Mr. Fields: I didn't mean to embarrass you. It just makes me nervous when people articulate an entire process based on ten points and I don't know what the ten points are.

Mr. Johnson: One of the ten points in the Ten Point Plan did involve redevelopment. So, that was one of the reasons why we did go to the Ten Point Plan Committee was that section of the Ten Point Plan. On November 30th the Board was briefed on the progress to date at that point and the Board requested staff, or actually directed staff to accelerate implementation of the Redevelopment Plan by drafting a Form Based Code Ordinance. Staff, over the next few weeks, prepared an implementation schedule whereby the Redevelopment Plan and the Form Based Code Ordinance could be adopted by the Board as early as June 7, 2011. On December 14th the Board approved that schedule. On January 4th the Board created a committee to assist with creation of the Form Based Code Ordinance. The Board's Community... the Board has now created a Community and Economic Development Committee and that group was briefed on February 1st on our progress. On March 1st the Board reviewed the Planning Commission's changes from last August and they adopted Resolution R11-77 which returns the Master Redevelopment Plan to the Planning Commission to hold a public hearing and to report your recommendations back to the Board within 60 days. That Resolution, R11-77, does include the recommended changes that the Planning Commission adopted. On March 1st the Board also reviewed the proposed Form Based Code Ordinance for Boswell's Corner which is being considered separately tonight on your agenda. Just to briefly go back through the recommendations that are included in the Redevelopment Plan, we've stated before that the Redevelopment Plan is an Economic Development Plan and not a Land Use Plan. And I think as we go through the recommendations, that helps to substantiate why we say that. In the Zoning Ordinance, we recommend changes which would establish...

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: I'm sorry...

Mr. Johnson: Yes ma'am?

Ms. Kirkman: That last statement you made makes no sense to me saying it's not a Land Use Plan. Aren't we being asked to adopt this as part of the Comprehensive Plan?

Mr. Johnson: Yes ma'am. But it's an Economic Development Plan. Our Redevelopment Plan, the land use topics, all defer to the Land Use Plan element of the Comprehensive Plan.

Ms. Kirkman: Okay, thank you.

Mr. Johnson: The action items in Volume I which covers the entire county would be to establish redevelopment overlay districts, consider establishing redevelopment incentives, consider establishing form based codes, and consider establishing streetscape and design guidelines. The Boswell's Corner Redevelopment Plan recommends extending the RPA along the Chopawamsic Creek Tributary which parallels Route 1, just to the west of Route 1. Recommended changes to the Transportation Plan include supporting the Quantico Growth Management Committee's Route 1 priority project which would widen Route 1. That project actually extends from Joplin Road in Prince William County down to Telegraph Road in Stafford County. Also, to upgrade Telegraph Road west of Route 1, improve access management, plan for pedestrian, bike and transit improvements, plan a grid-based local street system. In the Courthouse area, the recommended changes in the Transportation Plan include implementing the Courthouse streetscape project, designating a courthouse loop road, improve access management, extend Jason Mooney Drive to US 1. Obviously, that would fall into whatever VDOT ends up deciding to do with the Courthouse interchange project, but the concept is we want to be able to connect Courthouse Road west of Route 1 with Route 1 south of Courthouse Road. Another recommendation that came out of the public information meetings was to development Wayside Park. Also, to plan for pedestrian, bike and transit improvements, and plan for a grid-based local street system. In Falmouth Village, recommendations in the Transportation Plan would include implement traffic calming, which would include the Belmont-Ferry Farm Trail Project, safety and parking improvements, all-way stops, improve access management, plan for transit improvements, and plan for a grid-based local street system. Other recommended changes in Falmouth would be to plan for a regional stormwater management facility and to prepare a Heritage Tourism Plan. In the Southern Gateway, recommended Transportation Plan changes would include improving access management, planning for bike, pedestrian and transit improvements, relocating and expanding the existing commuter lot which is currently south of 17 to the north side of 17 and to consider creating a structure for the parking. Plan two Truslow Road connectors on the east and on the west; on the west it would connect essentially in the vicinity of where the Auto Auction is today. There would be a connection up to Truslow Road and on the east there would be a connection from Truslow down to 17 somewhere in the vicinity of the power line, where the new 7-Eleven has been constructed, in that general area. Other recommended plan changes include planning for regional stormwater management and extending the redevelopment area down 17 to Falmouth. The staff recommended in the documents that are in front of you, this suggestion has been included toward the beginning of all five of the documents but the language is the same. Let me explain it first and then I can show it to you... well, let me show it to you in the document first. Unfortunately, it's on one of the pages that is not numbered. It's approximately four pages in just past the Table of Contents and the page looks like this. In the upper left-hand corner, in Volume I it says Stafford County Master Redevelopment Plan

Planning Commission Minutes
March 16, 2011

and the paragraph starts out “The efforts of the Phase I: Research and Program Development and Phase II...” Is everybody with me on that? Okay. In talking with Mr. Harvey and staff...

Ms. Kirkman: Um, excuse me, there's three of us up here that haven't found the page.

Mr. Johnson: Okay.

Ms. Kirkman: (Inaudible – microphone not on).

Mr. Howard: The fourth page.

Mr. Fields: The fourth physical page of Volume I.

Mr. Johnson: The fourth page in Volume I.

Ms. Kirkman: Including the cover?

Mr. Johnson: Yes. And there's a blank page on the left...

Ms. Kirkman: Got it.

Mr. Johnson: Are you with me? What staff has added to this page is what's on the right-hand side of that... the right half of that page is the language that staff has added. The top half of that language was something that was included in the previous version that you saw last summer. The brand new piece is the bottom; the Interim Implementation Strategy. The reason staff is suggesting that we include this language is because current development is typically low density and current infrastructure generally conforms to that existing density. In the redevelopment areas, we're generally calling for a higher level of density and it's going to take time for infrastructure to be developed to support that. The Interim Implementation Strategy is offered to inform the development community and the public that a development application's ability to support or adapt to the vision outlined in the Redevelopment Plan is something that is going to be considered and evaluated when these applications go through the process. It's simply a notification that this is something that we are going to look at. The developer, if he doesn't address it when he submits an application should be on notice that that is going to be discussed as that application goes through the process. That's why staff is suggesting that we include that at the beginning of each of the documents. That concludes my presentation Mr. Chairman. I'd be happy to answer any questions.

Mr. Howard: Thank you Mr. Johnson; good job.

Mr. Johnson: Thank you.

Mr. Howard: Does anyone have any questions for Mr. Johnson? I know you've been here several times.

Ms. Kirkman: Mr. Chair, I do.

Mr. Howard: Ms. Kirkman?

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: Regarding the Interim Implementation Strategy?

Mr. Johnson: Yes ma'am?

Ms. Kirkman: I understand that you're stating in here that it will be reviewed to determine whether or not the plan does these things, but will it be used to... as criteria for assessing approval or recommendation of approval or denial of the plan, which is a slightly different thing?

Mr. Johnson: I'm going to ask Mr. Harvey to also help me answer that question because, as a component of the Comprehensive Plan, it becomes a guidance document. But it is something that, just like any of the other elements of the Comprehensive Plan, if a developer doesn't meet something that's suggested in those documents, then there are...

Ms. Kirkman: Well, that's precisely why I was asking that because this doesn't state that they should do this, it just says that it will be reviewed to determine if they do it. And that's a different statement than saying these are standards.

Mr. Johnson: Yes ma'am. That's why I'd like... Mr. Harvey may have something to add.

Mr. Howard: Mr. Harvey?

Mr. Harvey: Yes, Ms. Kirkman, it's the staff's intent that those would be criteria to review the application under. If it doesn't comply, we would note that to the Commission and Board and take that into account in our recommendation because, in my opinion, if someone has a proposal that does not meet the standards of a redevelopment area, then they should try to assimilate components of the redevelopment area as best that they can. Provided it's not contradictory to the plan because, as Mr. Johnson and I have talked about on a few occasions, we've met with people that are looking at locating businesses within the county and some of them have been within these redevelopment areas and they've been proposals for franchise businesses. And they're typically single-story franchise architecture and we've told them that's not the Board's vision. So if they plan on coming in for a proposal, they need to look at their architectural designs to see if they can fit into the Board's vision and also make sure that any site development that they do doesn't conflict with the infrastructure identified in the plan.

Ms. Kirkman: So if that's the intent, then I think the language on here needs to be clearer to reflect that intent that these are criteria to assess the application, not just that they'll be reviewed. Or some statement... I don't know the exact wording or some statement that all plans should do this, should, you know, accommodate future infrastructure needs, should (inaudible), that sort of thing.

Mr. Howard: Should is in here a few times. One example is similar to what Mr. Harvey just said. It's the third bullet in the bulleted section, whether "architectural design themes contained in the development proposal will conflict with those suggested in the Redevelopment Plans. Franchise architecture should be modified to meet Redevelopment Plans' visions". And then, you know, it goes on further.

Ms. Kirkman: Right. But the preceding... the frame for this is that these items will be reviewed; there's no statement that these are criteria by which the application will be judged.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Well, I like the term that you used, standard; this is the standards (inaudible).

Ms. Kirkman: Whatever our attorneys think we need to make sure that this can be used to... in the deliberations regarding an application. Because, for instance, now VDOT, through the Chapter 527 Review process, reviews a lot of things. But at the end of the day, short of a rezoning application, if we're on a by-right subdivision plan, they've reviewed it, they've said a major road improvement is needed, we have no basis to deny the plan based on their review.

Mr. Howard: Right.

Ms. Kirkman: So, I just want to make sure we don't get (inaudible).

Mr. Howard: No, it's a good... and there are some stronger worded sentences in there. Then again, it's a guide, as Mr. Johnson indicated, to try and get to a goal. Mr. Smith, if the section started out with interim implementation strategy and standards, would that cover some of what Ms. Kirkman is indicating? So, in other words, these are the standards in a redevelopment area in terms of aesthetics, elevation and so on and so forth. So, how do we convey that?

Mr. Smith: Mr. Chairman, I think that certainly would be a start to further clarify or strengthening the language that these are issues that the County is going to look to in evaluating a proposal. And it's not... it's stronger language than these are just issues that are out there; that these are things that the County will affirmatively look to and evaluate the proposal against.

Ms. Kirkman: You said that's a good beginning; would it make it clearer if the last sentence in that first paragraph read something... ended something like this, all rezoning or conditional use permit development proposals will be reviewed to determine if they meet the following standards, criteria for development in the UD... in the RDA.

Mr. Smith: Ms. Kirkman, I think that that proposed language would further clarify and strengthen what I think the Commission is considering.

Mr. Howard: Say it one more time.

Ms. Kirkman: Well, you need something... you need an if there; to determine if.

Mr. Johnson: Would you like an if or a whether?

Ms. Kirkman: A what?

Mr. Johnson: An if or a whether?

Ms. Kirkman: No, you've got all kinds of whethers here.

Mr. Johnson: Okay.

Ms. Kirkman: And that's the problem. I think it's determined if they meet the standards for development during the interim phase. Something along those lines.

Planning Commission Minutes
March 16, 2011

Mr. Johnson: Can I read back what I think you said and then you can tell me whether or not that's good?

Mr. Howard: That would be wonderful.

Mr. Johnson: Okay. What I hear is that you'd like me to add to the first line, where it says "interim implementation strategy", you would like me to add "and standards".

Mr. Howard: Right.

Mr. Johnson: And then at the end of the first paragraph, "all rezoning or conditional use permit development proposals will be reviewed to determine if they meet the following standards".

Ms. Kirkman: For development during the interim phase.

Mr. Johnson: Okay.

Ms. Kirkman: And then you would take out all the whethers and the bullet points.

Mr. Howard: Or would you leave the bullet points and take out the whethers? Because then...

Ms. Kirkman: That's what I think we're saying... you just take the whethers out.

Mr. Howard: Yeah, leave it... I'm okay with it being in a bulleted format so it's kind of like a little checklist.

Ms. Kirkman: Right, (inaudible) you take the single word whether, that's all.

Mr. Howard: Right.

Mr. Johnson: Okay, I will remove the word whether and all of the bullets.

Mrs. Hazard: I would also suggest if we said at interim implementation strategy and review standards, or some kind of...

Ms. Kirkman: I like review standards, that's good.

Mr. Howard: That's good, yeah.

Ms. Kirkman: So, is this paragraph the only change?

Mr. Johnson: Yes ma'am.

Mr. Howard: And we want this in every RDA, right?

Mr. Johnson: Yes, it's in the front of all five volumes and I will make this change in all five of those volumes.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: So only... and nothing else is changed in the Redevelopment Plan?

Mr. Johnson: Not since you saw it in August.

Ms. Kirkman: Okay, I just want to make sure.

Mr. Howard: Well, when we saw it...

Ms. Kirkman: It seems like an enormous amount of paper for one paragraph.

Mr. Johnson: The reason we reprinted the whole thing is when we brought this to you in August and you took your vote, we had reproduced that basically on legal sized paper and it was pretty much cut and pasted together where we had removed the graphics. And what we did here is we've cleaned it up and put it back in a little bit nicer context.

Mr. Howard: More presentable.

Ms. Kirkman: Thank you.

Mr. Howard: And that was post- the Falmouth Redevelopment discussion, right, that Mr. Fields and Mr. Hiron had and all of their language was added, right, because we voted on that and all that is in this version as well.

Mr. Johnson: Exactly.

Ms. Kirkman: So, the only thing that has to be advertised is this paragraph, is that correct?

Mr. Johnson: No. We haven't advertised any of...

Mr. Howard: We have to advertise the whole thing.

Mr. Johnson: Yeah, you held off having any public hearings until your change in Falmouth went back to the Board for their concurrence or whatever and now the Board is (inaudible).

Mr. Howard: And hence the money question before. Yeah, we're going to be way over.

Ms. Kirkman: So the whole thing is up for grabs?

Mr. Johnson: Yes ma'am. We would like the whole ten volumes to move forward to public hearing.

Ms. Kirkman: And then the... okay, so, how do we... we have this RDA Ordinance which is moving prior to the adoption of the Redevelopment Plan.

Mr. Johnson: I'm not sure I'm following you.

Mr. Howard: Are you referring to the RDA-1 zoning district?

Ms. Kirkman: Yes.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Okay. Yeah, just the way it's falling on the calendar that actually could move two weeks before... or actually it's the same time I think.

Mr. Harvey: Mr. Chairman, again as I mentioned, the Board yesterday gave the Commission an additional 30 days on the RDA-1, so the Commission could move forward with the Redevelopment Plans. In fact, staff would recommend the Commission consider authorizing a hearing for April 20th. That's your last regularly scheduled Planning Commission day before the deadline.

Mr. Howard: On the Redevelopment...

Mr. Harvey: Plan, yes.

Mr. Howard: ... Plan, not the RDA-1 zoning?

Mr. Harvey: Correct.

Mr. Howard: Right. So, April 20th you said?

Mr. Harvey: Yes sir.

Mr. Howard: Is there a motion?

Ms. Kirkman: I just want to point out, that means we're making recommendations on an ordinance for a redevelopment area that has not yet been adopted by the Board.

Mr. Howard: Well, that's possible, yeah. The Board will not have had their public meeting on the RDAs.

Ms. Kirkman: Right.

Mr. Fields: Well, we're going to talk about the RDA (inaudible – microphone not on).

Ms. Kirkman: But when we vote tonight then, we're voting on these all ten chapters.

Mr. Johnson: Yes ma'am.

Ms. Kirkman: Not just the one paragraph.

Mr. Johnson: That's correct. That's all ten... all 3,000 pages.

Mr. Howard: All 3,000 pages with the language as modified at tonight's meeting.

Mr. Johnson: Yes.

Mr. Rhodes: I make a motion to move the ten volumes forward for public hearing on the 20th of April.

Ms. Kirkman: I'd like to ask... I wasn't done with questions...

***Planning Commission Minutes
March 16, 2011***

Mr. Howard: Is there a second?

Mr. Mitchell: I second.

Mr. Howard: Go ahead Ms. Kirkman, we're in discussion.

Ms. Kirkman: Before Mr. Johnson steps down, as he should do during the discussion of the motion, so the RDA development ordinance that we have for Boswell's Corner which has residential densities in it from 6 to 18 units per acre and over... a potential for over 3,000 residential units in the Boswell's Corner area, how does that line up with what is in the Boswell's Corner Redevelopment Area Plan? How does this plan generate up to 3,000 units? Because that's what the Zoning Ordinance does.

Mr. Johnson: If I can direct the Commission's attention to page 37 of the Boswell's Corner Plan.

Mr. Rhodes: Volume II.

Mr. Johnson: Volume II. At the bottom on map 18 you'll see a disclaimer statement that exists in the four redevelopment area plans. The disclaimer statement indicates that the land uses shown on this plan and the layout of the land uses on this plan are all notational, that land uses will be as determined by the Land Use Plan. So if the Land Use Plan, for example, came in and came up with an entirely different set of numbers to those shown on Table 19 on page 37, that's certainly within the purview of the Land Use Plan. And the Redevelopment Plan's recommendations are those recommendations that I went through with you with establishing pedestrian and transit facilities and streetscaping...

Mr. Howard: It's conceptual.

Mr. Johnson: Yes. And those are somewhat independent of the land uses that are shown within each of the areas.

Ms. Kirkman: But our Comprehensive Plan is also conceptual.

Mr. Johnson: Yes ma'am.

Ms. Kirkman: And it has 744 units listed for Boswell's Corner and this document has 1,700 units listed for Boswell's Corner.

Mr. Johnson: Yes ma'am.

Mr. Harvey: Mr. Chairman and Ms. Kirkman, just to clarify, the table in the Comprehensive Plan actually has Boswell's Corner with zero recommended future dwelling units because that area in the Comprehensive Plan is designated as business and industry. And I can refer to the table here in a moment... the 3,000 units that was referred to was the maximum potential under the draft ordinance for item number 9. And the number that's referenced in the plan is based on, if I recall correctly Brad, that it's based on a market analysis of what potentially could occur under certain market conditions.

Mr. Johnson: That's correct.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: But we end up in a situation where we've got a land use component of the Comprehensive Plan that you're saying says zero for future, and we've got a Redevelopment Plan that calls for 1,700.

Mr. Johnson: Yes ma'am. And I think that's one of the reasons why staff proposed moving forward with the form based code ordinance for Boswell's Corner in advance of the other three redevelopment areas. In the three other redevelopment areas, two are in Urban Development Areas and will be addressed in that context; the third one would be Falmouth and that really is something that needs to be discussed by itself. So we felt with the development pressures in Boswell's Corner at this time, that's one of the reasons why we moved forward with the form based code to specifically define the units and the uses and the transects and the pleasure of the Board and the Commission.

Ms. Kirkman: Right, but one of the most, my understanding from the training we've gotten through our certification course, is that one of the strongest reasons to deny a rezoning application is that it's inconsistent with your Comprehensive Plan. When we've got contradictory guidance in our Comprehensive Plan, I would imagine that that somewhat weakens that position.

Mr. Howard: Well, we can ask Mr. Smith. But I think this is, again as Mr. Johnson indicated, this is more on the economic development side of the Comprehensive Plan than it is the land use side of the plan. And, again, it's conceptual and it's indicating the County has a vision and a desire in these redevelopment areas, which some are in UDAs and some are not, to see this type of development occur and take place. But Mr. Smith, I don't know if you have anything to add about the comment, it being contradictory or not.

Mr. Smith: Well, I'll begin, Mr. Chairman and Ms. Kirkman, by agreeing with Ms. Kirkman that consistency with the Comp Plan is an important aspect when evaluating proposed rezoning. And that finding support in the Comprehensive Plan is an important factor. And legally defending a rezoning approval or denial, I can't recommend that a consistency if this... inconsistency, if this is one, is a good thing from a legal aspect. In this case it sounds like there are reasons for the different numbers. And if a proposal comes before the Commission or the Board and they are faced with these different numbers, it would be up to the Commission and the Board at that time to interpret the Comprehensive Plan with these differing numbers and the way that they think is reasonable and best for the County.

Ms. Kirkman: So, Mr. Chair, my concern is not that there's an economic analysis been of the potential, but that that potential is presented as the plan. And so if, for instance, this plan for Boswell's Corner said the potential is for 1,700 units, however, zero, consistent with the other part of our Comprehensive Plan, zero new units are recommended, I would be comfortable with that. But that's not what this table on page 37 says. It says Boswell's Corner Master Plan Program, Residential 1,700 units. So that is my concern and I'm assuming that that same kind of potential contradiction exists for all the RDAs if the numbers in the... and I understand why it was done from an Economic Development perspective, but it's not presented as the potential based on market demand. It's presented as the plan. And that's where I think the issue is.

Mr. Howard: Yeah, actually I think the term potential is a good...

Ms. Kirkman: Well, I think it should actually be a separate section of the potential of demand, based on the economic conditions that existed...

Planning Commission Minutes
March 16, 2011

Mr. Howard: Or would you just leave the table as whatever RDA, Boswell's Corner Master Plan Potential?

Ms. Kirkman: No, because then it's back to saying it's the plan rather than this is the results of the Economic study that was done. Under conditions that were pretty different, I might add.

Mr. Howard: Yeah, they were.

Mr. Fields: I would add that this is essentially the logic that led us to exclude all of that from the Falmouth Plan. It's the same logic. You don't put units, either pictorially or numerically, on a plan that you don't think are either possible or viable for the area and just say it's a suggestion, in my opinion. You've created an endorsement of some kind and an internal conflict that, you know, I mean I don't know how it would be resolved but I think having an internal conflict between... particularly now since Boswell's Corner, unlike Falmouth Village, Boswell's Corner has been the topic of very, very specific debate down to 744, not 745 units. I mean, we've come up with some very specific yes's and no's and it's been debated a lot and there seems to be some very firm opinions on the destiny of Boswell's Corner. I'm not sure that having this as part, a subset of the Comp Plan that essentially endorses a different vision. I don't see how that's a good idea.

Mr. Howard: No, and they're good comments. I'm trying to... I still think this is... it's a proposed, you know, it's a proposed Economic Master Plan that should be in the Comprehensive Plan because, again, some of these redevelopment areas are not in Urban Development Areas. So, you want... if growth is to come and is to come in a way that's planned and thoughtful, and there was a tremendous amount of planning and thoughts that went into the RDAs, UDAs and the entire Comp Plan, supposedly smarter than we've planned in the past, which I believe is correct, then you want to be able to give somebody that vision and say this is what we're thinking as a county. If you want to participate and you have the resources to come in and make the elevations look the way we want them and participate in the transect zones and all those other great things of transferring development rights and traditional neighborhood designs and all the things we're shooting for, then I think you have to have some type of a map and a guide. And I think all the RDAs do that and I thought we were all sort of in agreement with that a few months ago. But I think the wording on... you know, in terms of the build-out, because it's a hot potato in the County here, that there is a way to think differently about how we phrase that. Not to disguise but to be a little more realistic because the economic times are different. So, it is the potential; it's not necessarily, you know, mandated. But it is the potential redevelopment or the potential square footage or units, whether it's office, residential, commercial or other type of build-out.

Mr. Johnson: Mr. Chairman, if I might offer a suggestion. In the economic analyses sections of the plan documents, it refers to the land uses as potential demand. And perhaps if we adjusted the table title or maybe even the section title where it says Proposed Master Plan to maybe more clearly reflect the fact that these numbers are based on, like Mr. Harvey said, market analysis. It's demand.

Mr. Howard: Right.

Mr. Johnson: I don't want to say it has nothing to do with the carrying capacity of the land because we did use the demographic data that was put together for the 2005 Transportation Plan and the 2003 Land Use Plan, which were the documents in effect at the time that we did these analyses. So, I don't want

Planning Commission Minutes
March 16, 2011

to divorce it completely from saying it has no relationship to the carrying capacity of the land, but those numbers were run through an economic analysis.

Mr. Howard: So you're almost going somewhere with some word suggestions but you backed off.

Mr. Johnson: I'm kind of where the group was before (inaudible) specific words.

Ms. Kirkman: Mr. Chair, I think Mr. Johnson has understood the concern that this really needs to be framed not as the plan and I think that's what's troubling to me, but as the potential demand. And whatever language he wants to come back with us on that would be helpful. And also not just as it applies to Boswell's Corner but where it applies throughout.

Mr. Howard: Well, I mean, would we just say that this... instead take the word plan out, this is really the Master Redevelopment Vision for the County. It's not set in stone; it's very flexible.

Ms. Kirkman: Well, there are things in here... excuse me, there are things in here that are very much a plan as they're driving at; block streets, facades, those sorts of things. Those are the plan. I think the part that I'm concerned about is calling the square footage... commercial square footage, the number of residential units, the number of square footage that the residential units are going to occupy, I object to calling that the plan, because that's not the plan when you look at our Land Use Plan. It's the economic demand that has been estimated. So, I think what he was suggesting, if he wants to come back with us...

Mr. Howard: I don't think we have time so I think we have to...

Ms. Kirkman: Is there a time limit on this (inaudible)?

Mr. Howard: Yeah, we have to wrestle through this right now.

Mr. Harvey: Yes, there is; May 1st.

Mr. Howard: Plus we do have a... we also do have a motion and we're still in discussion, believe it or not. But I think there is some sound logic in understanding and having people understand when they read this, this is not "the plan" and it's not going to map to what's in the Comprehensive Plan and/or what's in some of the Urban Development Areas. Because, again, the Urban Development Area is larger in some cases than the RDA.

Mr. Johnson: Correct.

Mr. Howard: Right? And then we have RDAs that have no UDA attached to it, right? So, it's never going to be exact and there could be confusion so, in order to eliminate that, what other wording could you put on the tables?

Mr. Johnson: If I could ask the Commission to look again to the footnote on map 18; is there language in there... I think this is what we were originally trying to address when we came up with this disclaimer statement on map 18 and each of the Redevelopment Plans was to help avoid this confusion. Is there a way that we could tweak this language that would make it work better?

Planning Commission Minutes
March 16, 2011

Mr. Harvey: Mr. Chairman, on that same page, I think if you look at the third paragraph maybe if we add in some wording to say the proposed long term...

Ms. Kirkman: Demand for density.

Mr. Harvey: ... residential demand instead of saying long term density and couch several of those types of things in that wording...

Mr. Johnson: How about potential instead of proposed?

Mr. Harvey: Yes, potential yes.

Mr. Johnson: Potential long term residential density or the potential long term density?

Mr. Howard: I think the proposed long term residential... I'm sorry, the proposed long term residential density for the Boswell's Corner, I think that... or if you want to replace proposed with potential.

Ms. Kirkman: I thought potential was... is better.

Mr. Howard: Yeah, the potential long term. The potential long term residential density for the Boswell's Corner.

Ms. Kirkman: And then table 19...

Mr. Howard: Well, all tables, right? This would be all tables.

Ms. Kirkman: Right, right, and any tables that look like this that with square footage, number of units...

Mr. Rhodes: Estimated demand.

Ms. Kirkman: Right...

Mr. Johnson: Potential long term demand?

Ms. Kirkman: I think estimated demand. And then I think what would also be helpful is a footnote there that says these numbers were generated by x, y, z study of the demand.

Mr. Howard: Yeah, perhaps with the date of the study too.

Ms. Kirkman: Right. Yeah, because it was entirely different then.

Mr. Howard: Oh yeah.

Mr. Johnson: It was an integral component of the Master Redevelopment Plan process.

Mr. Howard: Yeah, no question.

Planning Commission Minutes
March 16, 2011

Mr. Johnson: It wasn't a separate economic analysis; it was part of this one.

Mr. Howard: Absolutely. No, we understand.

Mr. Johnson: Okay.

Mr. Howard: So, can you read the wording back that you have for the table?

Mr. Johnson: Okay. For table 19 and the other ones like it, change Boswell's Corner Master Plan Program to Boswell's Corner Potential Long Term Demand.

Mr. Rhodes: Or estimated demand? Boswell's Corner Estimated Demand.

Mr. Johnson: Estimated Demand.

Mr. Howard: That's right.

Mr. Johnson: Boswell's Corner Estimated Demand and we would change those similar tables in the other volumes as well.

Mr. Howard: And the same with the wording on the...

Mr. Johnson: Yes, potential?

Mr. Howard: Right. So, Ms. Kirkman, are you making a motion to amend the...

Ms. Kirkman: That's the first motion I'm going to make. And part of the... it's been sorting out where we're moving forward the one paragraph or the whole thing. So that's when we're having to look at this now.

Mr. Johnson: The intent is to move the whole 10 volumes.

Mr. Howard: The whole thing.

Ms. Kirkman: I understand that now. So, yes, I'm requesting that as an amendment and as it applies to all the redevelopment areas, not just Boswell's Corner.

Mr. Howard: Is there a second on the amendment to the motion?

Mr. Hirons: Point of order Mr. Chairman. Did we deal with the motion that was on the floor?

Mr. Howard: We're dealing, she's amending it.

Ms. Kirkman: This is a subsidiary motion to that.

Mr. Howard: So the same, if I'm thinking of your amendment correctly where we're moving forward with all of the redevelopment areas, Ms. Kirkman has on the table a motion that hasn't been seconded

Planning Commission Minutes
March 16, 2011

yet. This is just for point of order. That motion would move to include the table change and the paragraph change, and Mrs. Hazard was going to second.

Mrs. Hazard: I was going to second.

Mr. Howard: It is now seconded. So, Mr. Smith, when we vote, because it was a subsidiary motion to the main motion, we're actually voting on the entire... I believe we're voting on the entire context which includes the original plus the amendment to the motion.

Mr. Smith: Yes Mr. Chairman.

Mr. Howard: Alright, now we're in discussion.

Ms. Kirkman: Well, I have another question. Let me get to Boswell's Corner again.

Mr. Rhodes: Volume II.

Ms. Kirkman: Thank you. On page 55... Mr. Johnson?

Mr. Johnson: Yes ma'am.

Ms. Kirkman: On page 55, the map to the right, it has the red dots on it...

Mr. Rhodes: The one to the left?

Ms. Kirkman: To the left, thank you. The one to the left that has the red dots, dot number 3 states trailer park that needs to be removed or relocated; that's Crystal Lake? Is it?

Mr. Johnson: Yes, I believe so.

Ms. Kirkman: Have those residents been informed that this plan will remove that trailer park?

Mr. Johnson: The section of the plan that we're looking at is a summary of the public workshops that were held and these were documents that came out of those public workshops. It's not a recommendation of the plan; it's just part of the documentation of the public process that went into putting the plan together.

Mr. Howard: I understood that as recapping the public comments.

Mr. Johnson: Yes.

Ms. Kirkman: Do we have any kind of strategy in here for how those people will be removed or relocated?

Mr. Johnson: Not other than those that we've already gone through the recommendations that I went through... nothing that specifically deals with any specific land use in any specific area, in any of the plans.

Planning Commission Minutes
March 16, 2011

Mr. Howard: But does the plan call for removing...? No, it doesn't call for that.

Mr. Johnson: No. Yeah, just comments from the public workshops.

Ms. Kirkman: Do we... when people need to be... I mean, that's one of our few affordable housing areas in the county. When areas like that need to be changed for economic development purposes, do we have any policy in the Comprehensive Plan or in these Master Redevelopment Plans about how the removal or relocation of those people will take place?

Mr. Johnson: Nothing specifically in the Redevelopment Plan.

Ms. Kirkman: In the Comprehensive Plan?

Mr. Harvey: I'm not aware of any wording to that affect.

Mr. Howard: Can you say that again Ms. Kirkman?

Ms. Kirkman: I was asking if there's any policy in any of our plans that are part of the Comprehensive Plan about how the removal or relocation of people who are living in an area, how that will... sort of the policies for handling that. I mean, this has been... on a much smaller scale has happened out at Colonial Beach with the town run trailer park there.

Mr. Johnson: The Redevelopment Plan is not suggesting that that property be purchased by the county or anyone else...

Mr. Howard: No, no... I understood that, yeah.

Ms. Kirkman: But it does raise the issue that...

Mr. Howard: Well, it's a good question. If people are displaced... but I think, you know, I could be wrong, but they're probably getting displaced because the owner of the property is at a point where they're doing something different and all the leases have come due and, you know, all of that has happened over a period of time.

Mr. Hirons: Mr. Chairman?

Mr. Howard: Yeah, Mr. Hirons?

Mr. Hirons: Oh, they found the language actually, because if I recall, Mrs. Hazard, I think we added something or edited something related to affordable housing in the Comp Plan.

Mr. Johnson: On page 2-28 of the approved Comprehensive Plan in policy 5.13, it says when new development proposals will displaced aging and affordable housing stock, the means to relocate the residents to other affordable housing should be considered including, but not limited to, assisting with relocation, search and cost, including affordable dwelling units within the development and payment into an affordable housing unit.

Mr. Howard: Thank you. Good.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: Thank you.

Mr. Howard: That works.

Mr. Rhodes: Call for the vote.

Mr. Howard: Okay, there's a call for the vote.

Ms. Kirkman: Mr. Chair, I'm actually going to oppose the motion to send this to public hearing. We got, just in case there's anybody that's watching, this is what we got in the mail late day on Friday and we're being... and I had assumed that we would have...

Mr. Rhodes: Third time provided.

Ms. Kirkman: ... at least one meeting to get an overview again since it's been many, many months since we've looked at this material before sending it to public hearing. So I think something this comprehensive really deserves more than that before a decision to send it to public hearing. And for that reason I'm going to oppose the motion.

Mr. Howard: Okay. The vote was called for so I'll call for the vote. All those in favor of the vote signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you. Very good job with this Mr. Johnson, and everyone who's worked on this. I know the entire planning staff and even Planning Commissioners; this goes back.

Mr. Rhodes: For years.

Mr. Howard: Yeah, this goes back a ways.

Mr. Rhodes: And multiple presentations.

Mr. Howard: Well done.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: Mr. Chair, just as a point of order.

Mr. Howard: Sure Ms. Kirkman.

Ms. Kirkman: There is no such thing as calling the vote in Robert's Rules. Someone can make a motion to end debate on an issue and then it has to be voted on, but you can't just say call the vote and then vote. There is a process that's defined by Robert's Rules.

Mr. Howard: Actually you are correct. You can call for the vote and we should have voted on whether we're calling for the vote. So we can do that; we'll go back. Now we're going to vote on whether we're going to call for the vote or not. And that's what we should have done. That is the process though. So, we're voting on whether we're going to vote on the motion that's on the table as amended by Ms. Kirkman. So all those in favor of calling for the vote signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Rhodes: Now we vote.

Mr. Howard: The motion carries 5 to 2. Now we go right to the vote. All those in favor of the motion that's on the table which is to move the RDAs forward with the amended language this evening signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Planning Commission Minutes
March 16, 2011

Mr. Howard: The motion carries 5 to 2. Thank you for the correction.

Mr. Rhodes: And thank you for the years of work.

Mr. Howard: Yeah, it was great.

Mr. Rhodes: And the multiple presentations and the multiple times going through these variations even though we keep changing them on you.

Mr. Howard: Alright, now I think we're going to the P-TND Ordinance amendment, which is the transect zones.

8. *P-TND Ordinance Amendment; T-1 Transect Zone (Time Limit: June 3, 2011)*

Mr. Harvey: Yes, Mr. Chairman, Mrs. Baker has been patiently waiting.

Mr. Howard: Thank you Mrs. Baker; I appreciate that.

Mrs. Baker: Good evening. May I have the computer please? This item is a proposed amendment to the Zoning Ordinance. This was referred by the Board of Supervisors at their February 15th meeting regarding the Planned Traditional Neighborhood Development which I'm going to call TND. This is to amend a portion of the Ordinance, Section 28-39, which deals with the special regulations. It would remove standards within the T-1 Transect Zone. Right now there are seven different transect zones within the TND Ordinance, and T-1 deals with the environmental section. The Ordinance was originally adopted in July of 2007 and was amended in December of 2007 to actually include these provisions that are being proposed to be removed. So I have actually put in the paragraph here with the strikeout to show what the change that is being proposed. This request actually came through from an attorney for the developer of a proposal that's going through to be rezoned to the TND zoning. And they requested this through the Board and that's how it was referred from the Board to the Planning Commission. Basically, if you read the T-1 Natural Zone, it goes into the discussion that it's consisting of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. This shall include all lands designated as Critical Resource Protection Area, or CRPA. Currently, where you see the strikeout, it also includes any lands adjoining CRPA which have a slope equal to or greater than 25% and an area of 35 feet in width from an intermittent stream if the intermittent stream adjoins the RPA. So, that is the area that is being stricken. It would revert back to just including Critical Resource Protection Area within that T-1 Natural Zone and no longer include the intermittent streams or the 25% slopes. So that's the gist of the Ordinance amendment and I'll try to answer some questions for you.

Mr. Howard: Thank you Mrs. Baker. I'll bring it back to the Planning Commission. Are there questions from any of the Commissioners for Mrs. Baker? Ms. Kirkman.

Ms. Kirkman: Yes, which attorney was it and which project?

Mrs. Baker: Clark Leming is the applicant for Clift Farm Quarter. It was specified in the Resolution R11-03.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: Is that the one over on Eskimo Hill Road?

Mrs. Baker: Yes.

Ms. Kirkman: Does that fall within the UDA boundaries?

Mrs. Baker: Yes.

Mr. Howard: Any other questions for Mrs. Baker? No? Okay, thank you Mrs. Baker. I'll bring it back to the Planning Commission. So, Mrs. Baker, actually can you come back up? I have a quick question for you. I know you went through the slides and I appreciate that, but can you tell me again so I'm grasping what it is that this amendment to the Zoning Ordinance actually will accomplish, if anything, what... go ahead.

Mrs. Baker: You have the T-1 Natural Zone Transect Zone.

Mr. Howard: Right.

Mrs. Baker: Right now you have criteria within that T-1 Transect Zone which includes leaving... it includes the Critical Resource Protection Area, intermittent streams up to 25% on either side... excuse me, 35 feet... and then 25% slopes that are adjacent to that RPA. So, it's actually deleting the criteria that the T-1 Transect Zone include the 25% slope and the 35 foot intermittent stream buffer.

Mr. Harvey: So, Mr. Chairman, what the affect is, is that the T-1 Zone... or I should say the required area designated as a T-1 Zone will be reduced.

Mrs. Baker: So it will only incorporate RPA instead of RPA plus intermittent stream plus the slopes.

Ms. Kirkman: If this Ordinance passes, does that then mean that the environmental protections that were billed as being part of the reason for the P-TND will no longer exist so there will be no ability to restrict building on those... adjacent to those intermittent streams and those 25% slopes?

Mrs. Baker: Within the T-1 Transect Zone; that's eliminating that. There's no requirement in other areas in the other transect zones that you have that same criteria.

Ms. Kirkman: But what the P-TND requires is that that Ordinance requires that you put those intermittent streams with a buffer and those 25% slopes adjacent to streams in the T-1 Transect Zone which doesn't have any residential or commercial density.

Mrs. Baker: That's correct.

Ms. Kirkman: So, once that protection is removed, how will those intermittent streams and how will those steep slopes be protected within the P-TND?

Mrs. Baker: There would be no requirement to restrict development on those areas.

Ms. Kirkman: Thank you.

Planning Commission Minutes
March 16, 2011

Mr. Harvey: Mr. Chairman, from staff's perspective for the Commission to consider, there's sort of trade-offs with this Ordinance, or issues to consider. The request was made for the purpose of expanding the potential developable area of a particular piece of land for the TND Zone. On the other hand, from the County's perspective with environmental concerns with our Chesapeake Bay Act Program, this is the only zoning category now where we get credit for protecting other lands beyond the RPA. So that would be something that staff would point out to the Commission for your consideration as this Ordinance moves forward. Since this was referred from the Board, it does have to go to public hearing. There is no language in the proposed Ordinance that gives the Commission authority to make changes it deems necessary.

Mr. Howard: But we also have time; there's nothing... we don't need to do anything tonight anyway, right? We normally don't the first time we see something anyway.

Mr. Harvey: I stand corrected, Mr. Chairman. The Resolution does authorize the Commission to make modifications as it deems necessary. But yes, the deadline for this is...

Mr. Howard: June 3rd.

Mr. Harvey: June 3rd, yes. This one the Board didn't specify a timeline so it defaults to the...

Mr. Howard: Sixty days?

Mr. Harvey: ... the hundred days in the State Code.

Mr. Howard: Okay, so we have plenty of time. Ms. Kirkman, go ahead.

Ms. Kirkman: The... you said this was the only Ordinance where we get credit for going beyond the minimum requirements of the Ches Bay Act. Is that going back to that evaluation method of whether or not we're in compliance that has to do with points that are assigned? Is that... Mrs. Baker is shaking her head yes.

Mrs. Baker: Yes, that's correct. When they did review it the first time, I think there were three points perhaps that were assigned to that particular Ordinance as part of that.

Ms. Kirkman: And we've already lost points because of the Board's repeal of the Potomac River Resource Overlay District, correct?

Mrs. Baker: Correct.

Ms. Kirkman: Are we getting to the point of where if we keep losing points we will no longer be in compliance with the Ches Bay Act?

Mrs. Baker: No necessarily. They've actually revised the way that they're going to evaluate this when it actually comes to the time to give us our final yes, you're in compliance or no, you're not. So they've changed it a bit; they're not relying as heavily on a point system. I don't have all the particulars with me tonight but there are some that could impact it but whether it's taking us below a certain threshold I'm not sure. I don't know if I can answer that.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Do you know how many points we have now?

Mrs. Baker: I don't remember any of the particulars.

Mr. Howard: Well, maybe for the next time we have this on the agenda, could we understand a little bit more about that and the impact to the County's rating or, you know, how the County is evaluated in terms of the Ches Bay Act?

Mrs. Baker: Yes.

Ms. Kirkman: Is that a fairly recent change, moving away from the point system?

Mrs. Baker: Well, I don't remember when we actually brought this to you in a briefing last year. At that time, they were actually making these changes, at the time. So, we already had that information put together for you.

Ms. Kirkman: Could it be driven by the change in the administration?

Mrs. Baker: Not necessarily, just as they were going through the process and realizing that the point system may or may not be the way to go. They originally were looking at it on points when they did our first evaluation... it wasn't an evaluation, it was an assessment of our program, and they were still going through the process of this is how we're going to do the final evaluation. So it was never confirmed that that's how it was going to be but they actually went through that assessment at the time and assigned points just to show where we were meeting certain criteria and where we could do better.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Any other questions while Mrs. Baker is at the podium? Great, thank you. And then I believe...

Ms. Kirkman: Could we get clari... Mr. Chair, could we get clarification from Mr. Harvey about what the date is... And actually this might be helpful just whenever we get these things sent to us. Like there's the date when it has to go back to the Board by, but there's a date where we have to make a decision about public hearings.

Mr. Howard: Yeah, that's a good idea.

Ms. Kirkman: And I think (inaudible).

Mr. Howard: We would like to know that, yeah, so that's always helpful as we're pondering.

Mr. Harvey: Are you referring to the meeting schedule, when the meeting schedule meshes up to the date?

Mr. Howard: No, on the agenda where you have the time limit?

Mr. Harvey: Yes.

Planning Commission Minutes
March 16, 2011

Mr. Howard: It says June... June 3rd in this case...

Mr. Harvey: Correct.

Mr. Howard: But if we could also know when do we have to make it go to public meeting. When's our...?

Ms. Kirkman: Like when we have to make a decision to send it.

Mr. Harvey: Yes. So, in this case, we would report potential public hearing June 1.

Mr. Howard: Very good.

Ms. Kirkman: And we'd need to back up from that when we have to... because there's additional time for the advertising.

Mr. Harvey: Yes.

Ms. Kirkman: So, there's the potential latest public hearing to meet the deadline and then there's the latest point at which we have to make a decision about what gets advertised.

Mr. Harvey: So we could say must authorize by this date, public hearing this date.

Ms. Kirkman: Yes.

Mr. Howard: That would be very helpful.

Ms. Kirkman: Yep.

Mr. Fields: That would rock.

Mr. Howard: And using the same size fonts as you currently use is also good.

Mr. Harvey: So, Mr. Chairman, you would want that on the agenda rather than in a staff memo?

Mr. Howard: I think so.

Mr. Harvey: Okay.

Ms. Kirkman: Yeah.

Mr. Fields: We can kind of see it in one easy (inaudible).

Mr. Howard: And everyone could see it; the public could see it, we could see it.

Ms. Kirkman: And in this instance, the must authorize the public hearing date is...

Mrs. Baker: May 4th.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: May 4th? Thank you, Mrs. Baker.

Mr. Howard: That's what Mrs. Baker was getting up to tell us. May 4th; okay. Alright, and we took care of item 9, right, because we moved that to the beginning. Right?

Mr. Fields: That's the Ordinance, isn't it? The Redevelopment Area Ordinance?

Mr. Howard: Oh, that's not what we moved? No, we moved item 4. So, now we're on item 9, I'm sorry. RDA Zoning District.

9. RDA-1 Zoning District (Time Limit: May 1, 2011)

Mr. Harvey: Mr. Chairman, we had some brief discussion about item 9 and that the Board gave the Commission an additional 30 days. When the Board first referred this Ordinance to the Commission at its May 1... excuse me, March 1st meeting, it gave the Commission the direction that the Commission should look at the densities within the Transect Zones to see if they were appropriate. I'll open it up to the Commission if there's any aspect of the Ordinance that the Commission wants to discuss for potential revisions.

Mr. Howard: So, by extending the 30 days, when would we have to vote to send this to public hearing? In other words, we would have had to vote tonight, right, in order to meet this deadline of May 1st? Which ultimately would have been...

Mr. Harvey: Yes. So, the timeline essentially extends out to June 1st, so your May 4th meeting would be when we need to authorize a hearing.

Mr. Howard: Okay. Mr. Hirons, did you have something? No? I thought I heard you say... okay. I thought I heard you talking.

Ms. Kirkman: I just want to repeat that I think it's... I understand the urgency moving forward with this given that that's sort of the one corner of the County where we're seeing some fairly significant...

Mr. Howard: Redevelopment.

Ms. Kirkman: ... development and we wanted... well, it's not redevelopment because it's green space. It's development and we want to make sure that it complies with what the future vision for that area is. But my concern is, moving forward with this without knowing what the intent for that area is, which we haven't resolved yet.

Mr. Howard: Okay.

Mr. Harvey: Mr. Chairman, I need to make a correction to my statement that the Commission would have until June 1st. If you add 30 days to May 1st, it's May 31st. So I guess you would have to be in the mode of conducting your public hearing... authorize a public hearing at your April 20th meeting. I think. Yes, yes.

Planning Commission Minutes
March 16, 2011

Mr. Howard: Okay. Thank you, Mr. Harvey. Along the lines of Ms. Kirkman's comment, what potential issues, Mr. Zuraf or Mr. Harvey, do you see if we move forward with this redevelopment ordinance prior to the redevelopment areas actually being approved by the Board of Supervisors? What concerns do you have, if any?

Mr. Harvey: Well, Mr. Chairman, I guess ultimately it would be dependent upon when the Board adopted the Redevelopment Plans versus the Ordinance. Certainly from good zoning practice, you would want to have an Ordinance to support your Comprehensive Plan. So, in effect, you would want to see your Redevelopment Plans adopted first and then your Comprehensive Plan finally adopted in advance of the Ordinance being amended. I'm not aware of any specific requirements that that occur, but it's always good zoning practice to do that. And it makes your Ordinance more defensible if it complies with your Plan if someone was to challenge your Ordinance. And also, keep in mind, this Ordinance just creates the zoning category, it doesn't rezone any property at this point in time.

Mr. Howard: Right. And it's essentially running in tandem, or slightly behind; the issue would be that when the Planning Commission is handling this we just won't know the end result of the Board's decision with the redevelopment areas. We won't have that finalized when we go to public hearing, if we were to follow the timeframe.

Ms. Kirkman: Well, Mr. Chair... Mr. Chair, it's more than that. It may be that not only do we not know the Board's decision about the redevelopment area plans, we also won't know, or it's highly improbable that we will know what the Board's vision for that area is because remember, the Board has now requested Quantico to comment upon the transfer of density into Boswell's Corner and the viability of that from the Corps perspective.

Mr. Howard: Right. So the worst case scenario is it comes back to us and we have to recreate or redevelopment the redevelopment area ordinance. Okay, any other comments? We have time on this so there's need to...

Ms. Kirkman: The date on the public hearing on the Redevelopment Plans is now what?

Mr. Harvey: The latest date would be May 19th.

Mr. Howard: That's for the Redevelopment Plans that we just voted on earlier.

Mr. Harvey: I apologize; I was referring to the RDA Zone.

Ms. Kirkman: No, I'm talking about the Redevelopment Plans.

Mr. Harvey: The Redevelopment Plans; again, we were scheduling them for public hearing for April 20th.

Ms. Kirkman: Thank you, Mr. Harvey.

Mr. Harvey: You're welcome.

Mr. Fields: (Inaudible – microphone not on) to go to public hearing the same night.

Planning Commission Minutes
March 16, 2011

Ms. Kirkman: So, we have to authorize a public hearing on this by April 20th?

Mr. Harvey: Yes.

Ms. Kirkman: So we have two meetings?

Mr. Harvey: Yes, April 6th and April 20th.

Mr. Howard: That's for item 9. So we have time on item 9; there's no need to act tonight on that.

Ms. Kirkman: So, Mr. Chair, I would like to express my... to staff that they act with all due haste in getting the Board's question to Quantico out as quickly as possible and anything they can do to facilitate a response back so that the Board can act on this matter prior to that April 16th meeting. I think that would be very helpful.

Mr. Howard: Thank you. Okay, Planning Director's Report Mr. Harvey?

PUBLIC HEARINGS

10. RC1000338; Reclassification - Quantico Corporate Center - A proposed reclassification from R-1, Suburban Residential and M-1 Light Industrial to B-2, Urban Commercial Zoning District to allow office, commercial, and retail uses on Assessor's Parcels 12-1, 12-3, 12-4, 12-5, 13C-A, and 13C-D, consisting of 15.06 acres, located on the north side of Telegraph Road, and east side of Interstate 95 within the Griffis-Widewater Election District. **(Time Limit: May 31, 2011) (History - Public hearing continued at March 2, 2011 Meeting to April 6, 2011 Meeting)**

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you, Mr. Chairman. Beyond the items we've already covered earlier in the meeting regarding the Board's meeting yesterday, they approved the minor amendments for the Mid-Atlantic application where the proposed 7-Eleven would be located on Garrisonville Road, where it previously had been authorized for a Sheetz gas station. They also approved the Mohibi Conditional Use Permit for auto sales on Route 1. And they adopted the Residential Facility definitions for the Zoning Ordinance. And that concludes my report.

Mr. Howard: Great, thank you. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman.

COMMITTEE REPORTS

11. Transfer of Development Rights (TDRs) **(Time Limit: April 6, 2011) (In Joint Committee)**

Mr. Howard: Committee Reports, I know there was a TDR meeting. I'm not sure if anyone wants to give an update on that. Mrs. Hazard?

Planning Commission Minutes
March 16, 2011

Mrs. Hazard: I guess the main comment would be is that we have met last Thursday night. Several issues were raised with the attorneys that were there. I believe that I even heard some of them raised at last night's meeting and we will be meeting again... Mr. Hirons, I do not believe we set the date that night because... okay. So, I assume...

Mr. Howard: When the date is set it'll be advertised on the website and so on and so forth.

Mrs. Hazard: Absolutely.

12. Telecommunications Plan Update

Mr. Howard: Telecommunications Plan Update?

Mr. Fields: Another meeting tomorrow morning.

Mr. Howard: Tomorrow morning? Alright.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes, Ms. Kirkman.

Ms. Kirkman: We have something on our agenda that's been deferred regarding this. And I went back and just for the committee's consideration, as you will recall and I think, Mr. Fields, you were on the Board at the time when the Board adopted the Communications Upgrades for Emergency Services. And the discussion at that time was you could do one of two things, as I recall, with these towers: you could put them further apart and they'd have to be higher, or you could put them closer together at which point they could be lower. And originally, for aesthetic reasons, I think there had been some thought of going with the more frequently spaced but lower. And then for economic reasons I think they went with the further apart but higher, if I'm remembering in a very simplistic way that discussion. And what we heard last... on the public hearing regarding this is that because of the demands of mobile devices these days, these things have to be spaced a mile to a mile and a half apart seems to be the gist of what got said. And if, indeed, that is the case, then I would encourage the committee to look at height restrictions; because if, in fact, they're going to have to be placed that close together, then I certainly wouldn't want to see 400 foot towers placed that close together. So, if the committee could take that into consideration.

Mr. Hirons: Yeah, I think that's a good point and I would say that the concept or the idea or thought that need to be a mile apart was presented by industry, not necessarily...

Mr. Howard: Yeah, that's something I hope the committee validates. I mean, what's really...

Mr. Hirons: (Inaudible) expertise and I that's something I think we're kind of getting at and trying to decipher in general in the committee.

Mr. Fields: (Inaudible – microphone not on) probably the biggest stumbling block we have right now. We need someone who has absolutely no dog in the fight, but has all of the technical expertise of a T-

Planning Commission Minutes
March 16, 2011

Mobile or an AT&T but never ever works for those companies to give us an honest evaluation. And I'm not sure we can do that. I hope we can.

Ms. Kirkman: Given the limitations of the technical expertise, maybe you all might want to consider something like if a tower is located within X proximity to another tower, it shall not exceed Y height, something along those lines.

Mr. Howard: Good. The Implementation Plan Update? I think, Mr. Zuraf, you have a quick update for the group and then I think Mrs. Hazard and I have a desire to take it out of committee and let the Planning Commission manage it going forward.

13. Implementation Plan Update

Mr. Zuraf: Yes, you did receive in your package a draft, an early draft, of the Implementation Plan. As you are aware, when the Comp Plan was adopted in December, one of the specific requests in Chapter 2 was that an Implementation Plan be prepared and provided to the Planning Commission within 90 days of approval. This is right about at that point. After the Plan was approved, the Implementation Plan Committee was established with Mrs. Hazard and Mr. Howard and the committee did have two meetings. We went over this draft Implementation Plan and just to kind of go over that briefly, this is still incomplete but it does set out the framework and what direction we were looking to head with this document. It's the intent that this Plan would become Chapter 7 of the Comprehensive Plan 2010 – 2030 document so it could be right within the document so it's right there and not floating out somewhere that would get lost. And how this has been set up, we have basically three sections within this plan. We have what starts out as an action list which lays out all the specific actions that would have to occur to meet the Goals, Objectives and Policies. The way the action list has been set up is that we set up what the committee wanted was kind of 10 main topic areas or kind of buckets where the actions would fall into. And within each main section, like for example, we have land use and environmental are two of the sections, and within each then you have subcategories of focus and then the specific actions within those subcategories. And after each action you have numbers that reflect policies and the plan that it ties back to. We do have to go through and kind of finalize some of those, getting that information in the document. So, that runs through a list of many different actions that need to happen. We do... this is kind of out of order; we have as a second part is the actual action list timeline, it's item B. And that is a spreadsheet that would spell out each of these... tie back to each of these actions, identify who the responsible entity would be for the action, whether it's County staff. Maybe it might get into which staff from which departments would have to carry out these tasks and then identifying what year or series of years that actions would have to occur or called out to occur. Some of the things, some of the items are ongoing actions, so they're just marked across the entire timeframe. We have the... as far as the timeframe goes, it goes by short term actions, things that the County would like to happen very soon, some mid-term actions that may not have as quite as the importance and can wait, or long term actions that might occur at a later date. And then also a complete by date. We have the first two pages are kind of complete to kind of see that the start... we do have to go through and finish this chart. But this does give you an idea of what direction this document is heading in and we will be working to complete this as we proceed. And that's the summary.

Mr. Howard: Thank you. I don't think I could have said it better. Holly, do you have anything to add?

Planning Commission Minutes
March 16, 2011

Mrs. Hazard: I guess all I would really want to say is I wanted to thank staff for meeting with us on this because I know you've had a myriad of things on your plate dealing with the Comprehensive Plan. But I know that you really responded to our concerns that we have a plan to implement the plan. And I really appreciate the work that's gone into this. I think I would say to my fellow Commissioners this is (inaudible), you know, a living document as well. Things are going to come on that are going to have to be added, subtracted, but it does outline what's in our plan now and where we're going to go forward with it. And we felt that was important to start that process now.

Mr. Howard: Yeah, I would add that it's also a way of measuring ourselves, right, when you have it on this type of a matrix. I think you did a great job Mike. I know you had some help with some staff.

Mr. Zuraf: One thing I did leave out is the last part was the small section we have on monitoring and tracking and that could probably be beefed up a little bit and get a little more specific as to how we would track and follow our (inaudible).

Mr. Howard: And when the updates would occur.

Mr. Zuraf: Yeah.

Mr. Howard: So the desire is to take it out of committee really and bring it to the Planning Commission really to be managed by the Commission as a whole. Good job!

Mr. Zuraf: Thanks.

Mr. Howard: And I don't think... I have nothing to report as Chairman. I don't see any other business. Is there a motion to approve the minutes?

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

February 16, 2011

Mr. Mitchell: Motion for approval of February 16th minutes.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

Mr. Howard: Second by Mr. Rhodes with no microphone. Any discussion? Ms. Kirkman?

Ms. Kirkman: Mr. Chair, I'm going to abstain.

Mr. Howard: Okay. Is there any other comments? No? Alright, I'll call for the vote. All those in favor of approving the minutes of February 16th signify by saying aye.

***Planning Commission Minutes
March 16, 2011***

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Nay? And any abstentions?

Ms. Kirkman: Yes.

Mr. Howard: Okay, so we have 6-0-1. That concludes are meeting; the meeting is adjourned. Thank you. Have a safe St. Patrick's Day.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:48 p.m.

Gordon Howard, Chairman
Planning Commission